

limited debate, I am not in favor of filibustering, and never resorted to it, so far as I can recall, except in one instance, and at that time I made no concealment of my purpose. I have known filibusters to be carried on day after day in this body, notwithstanding protestations that the procedure was nothing of the sort.

I have been a Member of three Congresses. With every one of them the Senate adjourned with a filibuster on. In 1915 there was a Republican filibuster over the shipping bill of that session, participated in, or at least sympathized with, by some Members on this side of the Chamber. In 1917 a filibuster participated in by Democrats as well as Republicans against the armed ship defense bill defeated that measure, and public sentiment was so aroused over it that the modified cloture rule of the Senate was adopted with practical unanimity. In 1919 a filibuster participated in exclusively by Republican Members of this body resulted in the defeat of certain appropriation bills. It has been pretended since then—and it is nothing but a pretense—that that filibuster saved large sums of money to the people of the United States.

Mr. President, some Senators who are very much interested in the enactment of this bill participated in one or more of the filibusters to which I have referred; and a number of Senators who are very anxious that this bill shall become a law have been consistent and constant opponents, and others have been intermitting opponents, of every proposition to place a limitation upon debate in the Senate. The Senator from Massachusetts [Mr. LORGE], the distinguished leader of the majority, occupies a dual position upon the subject, he having been for a number of years an advocate of cloture, since which he has been one of the most ardent defenders of unlimited debate. Now, if it be true that consistency is a jewel, I can claim the record as between myself and the Senator from Massachusetts. If, on the other hand, it be true that consistency is an infirmity of little minds, then of course the advantage is all with him.

I think this bill is a vastly important one. Perhaps I magnify its importance, but it is sufficiently so to my mind not only to justify but to require its somewhat extended consideration; and that I propose to give it to-morrow. When I shall have finished I shall be ready for a vote, so far as I am concerned. The majority is responsible for our legislation. It should therefore be permitted to act as it determines, and the people must pass judgment upon the wisdom or expediency of its legislation.

Mr. KING. Mr. President, I inquire of the junior Senator from Iowa [Mr. KENYON] whether he desires to have the floor for a few moments this morning?

Mr. KENYON. Mr. President, I have some legal authorities collated for use on the packer bill, and having spent considerable time in collating them, I thought it might be helpful to put them in the Record. I could not do it, of course, under the five-minute rule.

Mr. KING. I am sure those authorities will be very instructive, and I yield to the Senator for that purpose.

Mr. KENYON. I know the Senator is very anxious to hear from me on that point—

Mr. KING. I am.

Mr. KENYON. Especially to-day; but I will say to the Senator that I am not ready to present these authorities just now. I will do so later in the afternoon, however. I do not want to retard this effort to expedite the pending legislation.

Mr. KING. Mr. President, I am sure that the Senate would welcome the authorities which the Senator from Iowa has collated upon a very important subject which occupied the attention of the Senate for a very considerable time. There were some important legal propositions involved in the packer bill, and it has been affirmed by some that it is a radical departure from the accepted economic policies of the Government and that the constitutionality of some phases of the bill may justly be challenged. As to that I express no opinion, but await with interest the views of the distinguished Senator from Iowa, because I am sure he can furnish us information in support of his position that the packer bill, with all of its unique and extraordinary features, squares with the Constitution of the United States.

Mr. KING addressed the Senate upon the bill. After having spoken, with interruptions, for four hours and a quarter he said:

May I ask the Senator from North Dakota [Mr. McCUMBER] at what time he desires to have the Senate adjourn or take a recess?

Mr. McCUMBER. That is a question to be directed to the Senator from Pennsylvania [Mr. PENROSE], but I suppose we shall take a recess very soon.

Mr. PENROSE. I was about to make a motion for a recess, if the Senator from Utah will permit me.

Mr. KING. May I say to the Senator that I would have concluded my remarks except for interruptions. I was very anxious to conclude to-day. I shall, if the Senator desires, pretermitt the rest of my remarks until a later day, or I shall resume them in the morning, suiting the pleasure of my distinguished friend from Pennsylvania.

Mr. PENROSE. I am sure the Senate will be glad to hear the remainder of the Senator's remarks in the morning.

Mr. OWEN. Mr. President, I should like to ask the Senate to dispose this evening of Senate bill 4879, with regard to some incompetent Quapaw Indians. It is important that the bill shall pass, because their right to alienate their land will accrue between now and next winter, and the Government is desirous of protecting those people. It will take only a few moments to dispose of the bill.

Mr. PENROSE. Let the bill be read, Mr. President.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). The Secretary will read the bill.

The reading clerk read the bill (S. 4879) to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes.

Mr. OWEN. I desire in considering the bill that the pending measure be temporarily laid aside, so as not to lose its place.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there objection to the present consideration of the bill?

Mr. PENROSE. Mr. President, I seriously doubt the propriety of my yielding for the passage of bills. I would like to oblige Senators, but probably every Senator has some bill on the calendar that he would like to have passed in this way. Therefore I feel that I owe it to the Senate to renew the motion that the Senate take a recess until 12 o'clock to-morrow. If during the day to-morrow there are Senators who have bills they want passed immediately, I shall not object; but to-day, it seems to me, I have no authority to do anything but move to take a recess.

The PRESIDING OFFICER. Objection is made to the consideration of the bill at this time.

RECESS.

Mr. PENROSE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Saturday, January 29, 1921, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 28, 1921.

The House met at 12 o'clock noon.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, we come unto Thee with no complaints. Thou hast been our fullest security. Therefore may there be the sweet note of a psalm of gratitude in all our hearts.

May Thy guidance and direction this day be for all that is the wisest and the tenderest, and at its close may it bear witness to our fidelity to our country, to our best selves, and, above all, to Thee. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

### RIVER AND HARBOR APPROPRIATIONS.

Mr. DEMPSEY, from the Committee on Appropriations, reported the bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BYRNS of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

Mr. MCCLINTIC. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Oklahoma makes the point of order there is no quorum present. It is clear that no quorum is present.

Mr. ROGERS. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Babka	Gallivan	Linthicum	Robinson, N. C.
Baer	Gandy	Little	Romjue
Begg	Godwin, N. C.	Loneragan	Rowan
Bell	Goldfogle	McClunich	Rucker
Blackmon	Goodwin, Ark.	McClunich	Sabath
Bowers	Gould	McKinry	Sanders, Ind.
Bland, Mo.	Graham, Pa.	McLane	Sanders, N. Y.
Britten	Griest	McLaughlin, Mich.	Sanford
Brooks, Pa.	Hamill	McLeod	Scully
Brumbaugh	Hardy, Colo.	Maher	Siegel
Butler	Harrell	Major	Smith, Mich.
Byrnes, S. C.	Harrison	Mann, S. C.	Smith, N. Y.
Caldwell	Hill	Mead	Snell
Carew	Holland	Milligan	Steele
Cleary	Hulings	Moon	Steenerson
Copley	Hull, Iowa	Mooney	Stines
Costello	James, Mich.	Morin	Swope
Crowther	James, Va.	Mott	Tague
Cullen	Jefferis	Mudd	Timberlake
Currie, Mich.	Johnson, Ky.	Neely	Tinkham
Davey	Johnson, S. Dak.	Nelson, Wis.	Upshaw
Denison	Johnson, N. Y.	Nicholls	Valle
Dewalt	Kahn	Nolan	Vare
Donovan	Kelley, Mich.	O'Connell	Ward
Doolling	Kennedy, Iowa	Olney	Watkins
Drewry	Kennedy, R. I.	Padgett	Wilson, Ill.
Dupré	Kettner	Perlman	Winslow
Eagle	Kless	Rainey, Ala.	Wise
Emerson	Kincheloe	Rainey, Henry T.	Wood, Ind.
Ferris	Kitchin	Reed, W. Va.	
Fish	Kreider	Riddick	
Gallagher	Langley	Riordan	

The SPEAKER. On this call 285 Members have answered to their names. A quorum is present.

Mr. ROGERS. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

#### GERMAN AEROPLANES PURCHASED BY THE WAR DEPARTMENT.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to insert in the Record a letter from the Secretary of War showing how many German aeroplanes the War Department purchased.

The SPEAKER. The gentleman from California asks unanimous consent to print in the Record the response of the Secretary of War to the resolution adopted yesterday. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the distinguished gentleman from California what has become of the privileged resolution reported by the Committee on Rules last June making in order as special business of this House his resolution No. 574, to investigate the escape of Grover Cleveland Bergdoll, a millionaire slacker? That resolution has been in the pigeonhole for six months.

Mr. KAHN. Mr. Speaker, on the last day of the last session the gentleman from California tried to call up that resolution and the gentleman from Texas [Mr. BLANTON] objected. [Applause.]

Mr. BLANTON. That was because of the politics in it. I objected to the politics in it.

Mr. KAHN. There was no politics in it.

Mr. BLANTON. But the gentleman has had all this session to call it up.

Mr. KAHN. I decline to yield, Mr. Speaker.

Mr. BLANTON. I am reserving the right to object.

Mr. KAHN. I decline to yield.

Mr. BLANTON. The gentleman has no time to yield.

The SPEAKER. The gentleman from Texas is out of order.

Mr. McCLINTIC. I hope the gentleman from California will ask unanimous consent for time in which to read the letter, because I will have to object to his request to print it in the Record.

Mr. KAHN. It is a short letter. It will take up less than one-third of a column.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. McCLINTIC. Unless the gentleman withdraws that request I shall have to object to it.

The SPEAKER. The gentleman from Oklahoma objects.

#### ORDER OF BUSINESS ON MONDAY NEXT.

Mr. MONDELL. I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I desire to make a brief explanation and to prefer a request for unanimous consent. I have been laboring under the impression that next Monday was unanimous-consent and suspension of the rules Monday. I apologize to the House for my error. I should have known better if I had consulted the calendar. I have recently been reminded that Monday is a maverick, a fifth Monday in the month. In the meantime I have said to a number of gentlemen on both sides who are anxious to have matters on the Unanimous Consent Calendar taken up that I wished they would defer their request until Monday, because on Monday those matters could be reached in regular order.

I am a good deal embarrassed by some of the suggestions I have made along that line. My request is that on Monday next the business that would be in order on the following Monday, business on the Unanimous Consent Calendar and suspension of the rules, shall be in order; that is, that that business shall be in order on Monday, the 31st, in lieu of the following Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that business in order a week from Monday may be in order next Monday. Is there objection?

Mr. GARD. Reserving the right to object, what is the program for the succeeding Monday?

Mr. MONDELL. If my request is granted, the following Monday would be occupied with whatever business might be before the House at that time.

Mr. GARD. Would we have two unanimous-consent days, next Monday and the following Monday?

Mr. MONDELL. No; my request is that next Monday be substituted for the following Monday.

Mr. BLANTON. Mr. Speaker, reserving the right to object, the gentleman from Wyoming knows that we have seven supply measures yet to pass, to get to the Senate in time for the Senate to pass them before the 4th of March. He knows that his request applies to over fifty-odd measures, many being little private bills of insignificant importance as compared with the big supply measures that must be passed before March 4, and I object.

Mr. MONDELL. The gentleman's statement is not entirely accurate. Will he withhold his objection?

Mr. BLANTON. I will. And if the gentleman has not a calendar I will send him one.

Mr. MONDELL. The gentleman from Wyoming has apologized to the House for his error as to the calendar, and the apology was sufficient to everyone except the gentleman from Texas. [Applause.]

Mr. BLANTON. The gentleman being the majority leader gets the applause.

Mr. MONDELL. There is no one Member of the House more anxious to get the supply bills through than the gentleman from Wyoming. We are making very good progress with them and we will dispose of them in good time. If we have as good luck with the bills as I hope we will, I believe we can dispose of practically all of them, with the possible exception of the fortification bill, next week, even though we use Monday as unanimous-consent day.

Now, Mr. Speaker, matters on the Unanimous Consent Calendar are by no means all small, insignificant matters. It is true that they are not matters of great national importance. I have nothing on that calendar that I am interested in, but a great many Members have, and if we are to consider those matters and dispose of them, the sooner we do it and get them out of the way the better it will be.

Mr. BLANTON. Will the gentleman yield? The gentleman knows that in the close of the Sixty-fifth Congress the Senate left unpassed most of the supply measures. Every day now means much in getting these bills over to the Senate in order that they may have a chance of being passed, and I object.

Mr. CLARK of Florida. Will the gentleman withhold his objection?

Mr. BLANTON. I will.

Mr. GREENE of Vermont. I ask for the regular order.

The SPEAKER. The regular order is demanded.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I want to say that if the gentleman from Texas knew the real object of the gentleman from Wyoming he would not object. My understanding is that



the real object of the gentleman from Wyoming is to get up for consideration and pass the bill providing for hospital accommodations for soldiers. I hope the gentleman from Texas will not insist on his objection.

Mr. BLANTON. Oh, we are going to get that hospital bill up as in the program; it will come up under special rule.

Mr. MONDELL. That is one of the bills that we hope to bring up on Monday.

Mr. MOORE of Virginia. May I have one minute?

The SPEAKER. The gentleman from Virginia asks to speak for one minute. Is there objection?

There was no objection.

Mr. MOORE of Virginia. I want to ask the gentleman from Wyoming a question along that line. Is it not possible, if the request of the gentleman from Wyoming should be adopted, that next Monday we might reach for consideration the highways bill?

Mr. MONDELL. I think that is one of the measures under consideration. In regard to the hospital bill, I hope it will come up. I am not in a position to say in regard to the highways bill.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. BLANTON. I object.

#### PENSIONS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that private pension bills reported to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that private pension bills in order to-day may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, I call up the bill (H. R. 15661) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk proceeded to read the bill, and read as follows:

The name of Sallie A. Stauter, widow of Franklin Stauter, late of Company A, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Olga Stauter, helpless and dependent daughter of said Sallie A. and Franklin Stauter, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sallie A. Stauter, the name of said Olga Stauter shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Sallie A. Stauter.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. I notice that bills reported by the committee presided over by the distinguished gentleman from Illinois gives the names of a great many widows of Civil War veterans. My recollection is that we passed a general statute in the last Congress extending the date to 1905, which permitted the widows to receive a pension under the general law. What necessity is there for so many private pension bills in this measure for these various widows?

Mr. FULLER. Under the act of September 8, 1916, the time was extended to June 27, 1905. That has been the date fixed by law until now. The general bill passed by the House last session proposed to extend the date to June 27, 1915. The Senate struck out that amendment and left the date as it was, June 27, 1905. It will be remembered that when the bill was finally passed it was thought best not to risk going to conference, but it was understood between the House committee and the Senate committee that in meritorious cases of women who were old and dependent special bills would be recommended to take care of those cases. It was not the desire of the Senate to extend the date beyond the time then fixed by law, but it was recognized that there were many special cases of old women who had married soldiers after June 27, 1905, and in those cases, where they were considered meritorious, where the woman was over 60 years of age and dependent, the Committee on Invalid Pensions has favorably reported such bills.

Mr. WALSH. Are there any widows whose marriage date is subsequent to 1915 in the pending bill?

Mr. FULLER. No; there are none subsequent to that date, and I think not a half dozen beyond 1910. Most of them provided for in this bill were married not later than June 27, 1907.

Mr. WALSH. Are there any of these widows who are under 60 years of age?

Mr. FULLER. There may possibly be one or two, but I think not more than that.

Mr. WALSH. Mr. Speaker, I withdraw the pro forma amendment.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman from Illinois yield?

Mr. FULLER. Yes; if I have the floor.

Mr. GREEN of Iowa. Many of those carried in the bill have been married to soldiers for 20 or 30 years.

Mr. FULLER. Many of them have been married all the way along from 1905, which would be 15 or 16 years.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. HASTINGS. Have all those provided for in this bill married since 1905, or have some of them married prior to that date?

Mr. FULLER. Yes. Some of them may have been married before that time; and their cases are recommended for the reason, for instance, that they could not prove divorce or death of a former wife, perhaps, 40 or 50 years ago.

Mr. HASTINGS. Are all of the cases in this bill for widows?

Mr. FULLER. No; there are a number of cases for helpless and dependent children.

Mr. HASTINGS. What is the rule of the committee with reference to dependent children?

Mr. FULLER. Where they are shown to be helpless and dependent, or very nearly so, from before the age of 16 years, the committee has generally reported the bills.

Mr. HASTINGS. These are soldiers and sailors of the Civil War?

Mr. FULLER. Only.

Mr. HASTINGS. And of no other war.

Mr. FULLER. No other war. The committee on Invalid Pensions has jurisdiction only of Civil War cases.

Mr. HASTINGS. How many cases are carried in this bill?

Mr. FULLER. About 100.

Mr. HASTINGS. How many cases have been reported in bills by the committee during this session?

Mr. FULLER. About 350.

Mr. HASTINGS. Are these cases all examined upon ex parte affidavits that have been sent to the committee?

Mr. FULLER. No; in every case the files are drawn from the Pension Bureau and the whole history of the case is gone into, and in most cases also, or in very many cases, the military record is obtained from the War Department, so that the entire history of the case is before the committee.

Mr. HASTINGS. Is any independent investigation made by the bureau or any of its officers in the field to verify the statements made in the affidavits?

Mr. FULLER. They make no examinations for the committee. We have the examinations made while the matter was pending in the Pension Bureau. We have all of those files before us.

Mr. HASTINGS. What is the highest amount allowed in this bill?

Mr. FULLER. The highest amount allowed to a widow is \$35. The Clerk read as follows:

The name of Sarah A. Thornburg, widow of William Thornburg, late of Company B, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

Mr. McCLINTIC. Mr. Speaker, I move to strike out the last word. Yesterday the membership on the Democratic side of the House was called upon to hear the remarks of a Member who had been criticized for supporting an emergency tariff bill, and he endeavored to put himself right in order that the Members on the Democratic side of the House might feel warranted in following him from this time on. On the 21st day of December last the Democratic Members of the House of Representatives were called upon to witness one of the strangest proceedings that has ever happened in the history of Democratic politics—

Mr. BLANTON. Mr. Speaker, I regret to do it, but I make the point of order that the distinguished gentleman from Oklahoma is out of order. He is not speaking to his amendment.

Mr. McCLINTIC. Mr. Speaker, when the unanimous-consent request was made for the consideration of this bill in the House as in Committee of the Whole, was it not a part of the request that the remarks made thereon should be confined to the subject matter of the bill?

The SPEAKER. If anyone makes the point of order, the rules require that the remarks shall be confined to the subject.

Mr. McCLINTIC. I regret very much that the gentleman sees fit to make the point of order. If he thinks he can make any more than I can, then let him fire away.

The SPEAKER. The Chair will have to sustain the point of order.

The Clerk read as follows:

The name of Amelia Hoelscher, widow of George Henry Hoelscher, late of Company B, One hundred and sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

Mr. McCLINTIC. Mr. Speaker, I move to strike out the last word. Repeating what I started out to say on the 21st day of December last, the Democratic Members of the House were called upon to witness one of the strangest proceedings that has ever happened in the history of Democratic politics. Under the guise of an emergency certain Republican members of the Ways and Means Committee, aided by certain Democrats, brought into this House an emergency tariff bill as a panacea for all of the evils connected with the low prices which were being paid the producers throughout the country.

At that time our great President was incapacitated to a certain extent from performing many of his duties. It was practically impossible for anyone to have a conference with him, and while he did not make any positive statement relative to this legislation, it must have been known by all of the Democrats who have followed his recommendations in the past that he would never favor a bill which would raise duties to a price unheard of in the history of this Nation.

The ranking minority member of the Ways and Means Committee was likewise physically incapacitated to a certain extent from performing certain duties in connection with the committee. His record in the past had always been consistent on tariff matters, and every Democrat who is a member of this committee knows that had he been physically able to stand on this floor and combat that measure it would have been done with every ounce of energy in his body.

The Democratic floor leader, a grand old man, recently defeated for reelection, did what he could to steer the Democrats away from the pitfalls and snares that had been carefully prepared by those who wished to legislate this iniquitous measure into a law.

The next ranking member of the Ways and Means Committee, reelected to serve in the next Congress, a Member from Texas, Mr. GARNER, took the floor, and in a speech called upon the Democrats of the House to forsake the policies which had made the Democratic Party sponsors of the poor and to join the Republicans in passing that act—

Mr. BLANTON. Mr. Speaker, I make the point of order that the distinguished gentleman from Oklahoma is not speaking in order. He is not speaking to his amendment.

The SPEAKER. The point of order is sustained.

Mr. McCLINTIC. If I can not speak, then I yield the floor.

The Clerk read as follows:

The name of Sarah A. Warren, widow of Horatio N. Warren, late of Company C, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

Mr. McCLINTIC. Mr. Speaker, I suggest the absence of a quorum. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. ROGERS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Doremus	Kennedy, Iowa	Nelson, Wis.
Babka	Drewry	Kennedy, R. I.	Newton, Mo.
Bacharach	Dupré	Kettner	Nicholls
Baer	Eagle	Kless	Nolan
Begg	Emerson	Kincheloe	O'Connell
Bell	Ferris	Kitchin	Olney
Blackmon	Gallagher	Klecza	Overstreet
Bland, Mo.	Gallivan	Kreider	Perlman
Bowers	Gandy	Langley	Rainey, Ala.
Britten	Goldfogle	Lankford	Rainey, Henry T.
Brooks, Pa.	Good	Little	Ransley
Brumbaugh	Goodwin, Ark.	Loneran	Rayburn
Butler	Gould	Lubring	Reber
Byrnes, S. C.	Graham, Pa.	McAndrews	Reed, W. Va.
Caldwell	Green, Iowa	McCulloch	Riddick
Carew	Hamill	McGlennon	Riordan
Clark, Fla.	Hardy, Tex.	McKiniry	Robinson, N. C.
Cleary	Harrell	McLane	Robison, Ky.
Copley	Harrison	MacGregor	Rodenberg
Costello	Hawley	Maher	Romjue
Crowther	Hill	Major	Rowan
Cullen	Holland	Mann, S. C.	Rucker
Currie, Mich.	Hullings	Mead	Sabath
Davis, Minn.	Hull, Iowa	Milligan	Sanders, Ind.
Dempsey	James, Mich.	Moon	Sanders, La.
Denison	James, Va.	Mooney	Sanford
Dent	Johnson, Ky.	Morin	Scully
Dewalt	Johnson, S. Dak.	Mudd	Shreve
Donovan	Johnston, N. Y.	Murphy	Siegel
Doolling	Kelley, Mich.	Neely	Small

Smith, Mich.	Sullivan	Tinkham
Smith, N. Y.	Swope	Upshaw
Snell	Tague	Vare
Steele	Taylor, Colo.	Voigt
Stephens, Miss.	Tillman	Volk
Stiness	Timberlake	Watkins

Whaley
Wise
Wood, Ind.
Yates
Young, Tex.

The SPEAKER. Two hundred and seventy-seven Members have answered to their names. A quorum is present.

Mr. FULLER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors and the Clerk will read.

The Clerk read as follows:

The name of Cora A. Trueblood, widow of Freeland Trueblood, late of Company C, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

Mr. FULLER. Mr. Speaker, I move to amend page 17 by striking out lines 10, 11, 12, and 13.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FULLER: Page 17, strike out lines 10, 11, 12, and 13.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1290. Sarah Johnson.	H. R. 14821. Florence Ada Stoddard.
H. R. 3517. Mary Fisk.	H. R. 14824. Clara Elliott.
H. R. 6600. Frances Tucker Hartley.	H. R. 14832. Nellie M. Reilly.
H. R. 7216. Margaret Stewart.	H. R. 14834. Carrie B. McCrady.
H. R. 7505. Mary A. Parker.	H. R. 14836. Margaret J. Calhoun.
H. R. 10858. Catharine T. Cuff.	H. R. 14840. Bertha J. Bitler.
H. R. 10870. Daniel W. Orr.	H. R. 14845. Ira S. Merrill.
H. R. 13619. Minnie Chapman.	H. R. 14872. Esther L. Carl.
H. R. 13818. Annie S. Miller.	H. R. 14921. Minnie M. Raynor.
H. R. 14096. Mary J. Finney.	H. R. 14934. Angeline Coolman.
H. R. 14281. Sallie A. Stauffer.	H. R. 14935. Amanda L. Townsend.
H. R. 14341. Mervin A. Coshun.	H. R. 14952. Ida L. Baker.
H. R. 14406. Elizabeth Borden.	H. R. 14992. Phebe J. Clements.
H. R. 14434. Fred Nilan.	H. R. 14993. Sarah A. Rhoads.
H. R. 14515. Mary Nease.	H. R. 14994. Mahala Printis.
H. R. 14516. Walter Scott Ingalls.	H. R. 15027. Emma M. Chandler.
H. R. 14522. Margaret McNulty.	H. R. 15034. Martha J. Jenkins.
H. R. 14526. Sarah A. Thornburg.	H. R. 15035. Jennie Turner.
H. R. 14527. Catharine Kinder.	H. R. 15043. Julia Horton.
H. R. 14531. Mary M. Tullock.	H. R. 15049. Eliza Ann Henry.
H. R. 14538. Adeline F. Terry.	H. R. 15067. George Bellamy.
H. R. 14539. Prudence Francisco.	H. R. 15075. Pauline G. Fritz.
H. R. 14562. Eunice R. Tripp.	H. R. 15092. Frances T. Gaddis.
H. R. 14565. Rebecca Zellers.	H. R. 15094. Julia Kiess.
H. R. 14572. Elenore Adams.	H. R. 15095. Jacob J. Spencer.
H. R. 14581. John E. Austin.	H. R. 15096. William A. Fox.
H. R. 14592. Rebecca Backman.	H. R. 15146. Emma Durocher.
H. R. 14594. Susan A. McBride.	H. R. 15147. Sarah A. Warren.
H. R. 14595. Mary Hurley.	H. R. 15148. Elizabeth M. A. Bumgarner.
H. R. 14600. Sallie A. Moore.	H. R. 15165. Leah A. Erubaker.
H. R. 14606. Louisa Bailey.	H. R. 15205. Cora A. Trueblood.
H. R. 14622. Alice F. Parrigin.	H. R. 15207. Louise H. Thornton.
H. R. 14638. Parthena S. Tennant.	H. R. 15209. Mary F. McGill.
H. R. 14640. Hosea G. Messersmith.	H. R. 15212. Pauline McEuen.
H. R. 14685. Maria M. Reed.	H. R. 15214. Hallie Turner.
H. R. 14689. Mary M. Rutherford.	H. R. 15239. Louisa Helton.
H. R. 14697. Sarah A. Blatchley.	H. R. 15242. Mary R. Butler.
H. R. 14699. Mary A. Spatch.	H. R. 15247. Emma C. Rogers.
H. R. 14701. Hattie Miller.	H. R. 15282. Katherine Wood.
H. R. 14704. Amelia Hoelscher.	H. R. 15283. Josephine Carey.
H. R. 14721. Ottello Lendeborn.	H. R. 15285. Georgie A. Ettinger.
H. R. 14723. Sarah E. Holmes.	H. R. 15307. Malissa Leonard.
H. R. 14725. Jennie M. Pitman.	H. R. 15311. Theresa B. Streibig.
H. R. 14727. Leando M. Muck.	H. R. 15312. Rebecca E. Boblett.
H. R. 14728. Ursula Bayard.	H. R. 15319. Mary M. Taylor.
H. R. 14731. Sarah A. Vale.	H. R. 15339. Emily Swank.
H. R. 14735. Gilly Leming.	H. R. 15365. Emily T. Minkler.
H. R. 14766. Sarah A. Fringer.	H. R. 15473. Daniel Michael.
H. R. 14785. Carlton DeWitt.	H. R. 15486. Margaret Flory.
H. R. 14790. William M. Nourse.	H. R. 15500. Mary Florence Pugh.
H. R. 14792. Lizzie J. Currier.	H. R. 15506. Ruth B. Adamson.
H. R. 14793. Elroy L. Kemp.	H. R. 15585. Louise P. May.
H. R. 14804. Millie A. McKeown.	

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 15901.

The SPEAKER. The gentleman from Illinois calls up the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15901) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read as follows:

The name of Minta Green, widow of Thomas Green, late of Company E, Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$30 per month and pay to her the amount of pension accrued to the soldier at the time of his death.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. What is the necessity for the provision on page 3, Minta



Green, that the accrued pension due the soldier at the time of his death be paid to the widow?

Mr. FULLER. If she is the legal widow of the soldier, she is entitled under the existing law to the accrued pension, but she evidently had not made that claim of the Pension Bureau. She might have done so, but probably in this case the claim was not made. She is entitled to it as his widow.

Mr. WALSH. Do I understand the gentleman to say that her widowhood is of such a character that under existing law she would not be entitled to accrued pension?

Mr. FULLER. If she is the legal widow, she is entitled to the accrued pension, no matter when she was married or any other circumstances.

Mr. WALSH. That is the understanding I had, and I wondered why it was carried in this bill.

Mr. FULLER. Very likely because she failed to make application. She was not entitled to pension on her own account, and therefore probably did not make application of the Pension Bureau. That is the presumption.

Mr. WALSH. Well, should not she make her application under existing law, rather than begin to incorporate these provisions in these private bills?

Mr. FULLER. There might be such a thing that the Bureau of Pensions failed to recognize that she was the legal widow, and the Pension Committee might think that she was. But I can not say as to this particular case, because I have no recollection concerning it. Where we find that a woman is the legal widow and she has not been paid accrued pension, we include that in the allowance. It is simply so much pension due the soldier the day he died which he could not draw.

Mr. WALSH. Are there very many other cases?

Mr. FULLER. Very few; that would only happen once in a hundred times, perhaps.

Mr. WALSH. Do I understand, then, there are some items where the Pension Bureau has ascertained and determined that the woman was not the legal widow and the committee determines that she is?

Mr. FULLER. There are cases where she is unable to make technical proof of the death or divorce of a former spouse, 40 or 50 years ago. In that case the bureau refuses to recognize that she is the legal widow of the soldier.

Mr. BLAND of Indiana. In the report, page 11, it cites that the claimant has never applied for accrued pension, and by reason of her marriage date to the soldier after June 27, 1905, she has no title under existing laws. That is the reason why this special bill.

Mr. WALSH. Simply because she has not applied?

Mr. BLAND of Indiana. Because she married after 1905.

Mr. FULLER. It might not be worth while to apply for such a small amount due and make the necessary proof and get only the accrued pension.

Mr. WALSH. If she has not title to it, why give it?

Mr. FULLER. She has full title if she is the legal widow.

Mr. WALSH. But the report says she has not title under existing law.

Mr. FULLER. To a pension.

Mr. WALSH. To accrued pension.

Mr. BLAND of Indiana. Under the rule, but she is entitled to pension and accrued pension.

The Clerk read as follows:

The name of Harriet M. Powers, former widow of William A. Rousey, late of Company A, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

Mr. KEARNS. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, after line 13, insert a new paragraph, as follows:

The name of James B. Mulford, late of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

Mr. KEARNS. Mr. Speaker, I want to call the attention of the chairman of the Invalid Pensions Committee to this item. While the bill and testimony were presented to the committee, I think in its hurry it did not have time to give it proper consideration. Now, I will say for the benefit not only of the chairman but for the other members of the Committee that this soldier enlisted at Camp Denison on the 8th day of August, 1862, and that he was in the service at Frankford, Ky. He was in the service for 74 days—

Mr. BLAND of Indiana. Which case does the gentleman refer to?

Mr. KEARNS. I am speaking to an amendment which I have offered—when it was discovered that the captain had failed to sign the muster-in roll; consequently none of this company was mustered in, although they had served 74 days in all; and, of course, they were ordered to pass another physical

examination. When this physical examination was ordered this man was in the hospital, having contracted a heavy cold and suffering with a high fever. Of course, he was rejected and sent home.

Now, he was never in the service, except that Congress on June 28, 1906, passed a bill that reads as follows:

That James B. Mulford be held and considered to have been mustered into the service as a private of Company B, Seventy-ninth Regiment, Ohio Volunteer Infantry, as of date of August 18, 1862.

August 18, 1862, is the day when he was really taken into the service, although the captain failed to sign the muster-in roll. And the Congress further enacted and held him to be honorably discharged as of date of October 21, 1862. That was the time he was in the hospital and was up for a second physical examination, and because of his sickness, contracted in the service, he was held to be not fit for further military duty, and was sent home. He received by act of Congress a muster in and a muster out, with an honorable discharge. This man has never been well since that time. He is an invalid, and has been one for practically all his life since this service. One of his physicians filed an affidavit many years ago to the effect that he knew this man well before he went into the service and that he was strong and healthy, and that he has never been well since that time.

Now, had the captain signed the muster-in roll and this man had been discharged from the service after 74 days of actual service he would have been entitled to a pension from the Pension Bureau. This Congress has passed many a special act that has given a pension where they have served less than 90 days and were discharged from the service because of a sickness or disability of some character incurred in the service. This man did serve 74 days and was sent home because of this illness that he had contracted in the service. Therefore I can see no reason why he ought not to have a pension of \$50 a month.

Mr. BLAND of Indiana. Mr. Chairman, I dislike very much to make any objection.

Mr. KEARNS. I hope the gentleman will not.

Mr. BLAND of Indiana. I will have to do so. This case has been considered by the committee, and I think it is generally conceded that the policy of the Invalid Pensions Committee with reference to granting special legislation to soldiers and their widows is amply liberal. A great many cases pass before that committee which the committee necessarily has to turn down, because to allow them would set a precedent that would bring forth thousands and thousands of similar claims. Now, here is a case, as I understand it from the gentleman's statement, that has run a half century, and he has not been placed on the pension roll, although I have no doubt there have been many applications to the Pension Bureau.

Mr. KEARNS. I did not yield for a speech.

Mr. BLAND of Indiana. I thought I had the floor. I thought the gentleman had finished.

Mr. KEARNS. I thought you wanted to ask me a question.

Mr. BLAND of Indiana. I will desist for the present.

Mr. SMITH of Idaho. Do the records show that this man did any service for 74 days?

Mr. KEARNS. He did.

Mr. SMITH of Idaho. And the War Department recognizes that?

Mr. KEARNS. There is no dispute about that.

Mr. SMITH of Idaho. And he was in the hospital when he was ordered for a second examination?

Mr. KEARNS. Yes. And he would have gotten a pension years ago if the captain had not forgotten to sign the muster-in roll. There were three of these men of this company in the hospital, and the other two have been drawing pensions for years. The reason that this man has not drawn a pension is because he could not get the ear of a Member of Congress. The other two have been getting a pension for 20 years.

Mr. MONDELL. How long did the man actually serve?

Mr. KEARNS. Seventy-four days.

The SPEAKER. The time of the gentleman from Ohio [Mr. KEARNS] has expired.

Mr. BLAND of Indiana. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Was he regularly mustered in and honorably discharged?

Mr. KEARNS. He went into the service—

Mr. MONDELL. Will the gentleman answer my question? Was the man regularly mustered and enrolled and honorably discharged?

Mr. KEARNS. He was by act of Congress. The gentleman does not understand this, and I want him to understand it,

namely, that he signed a muster-in roll and went into the service and performed service in the field for about 70 days, and he thought he was in the service. He had participated, I think, in two skirmishes with his company, and at the end of 70 days it was discovered that the captain had forgotten to sign the muster-in roll. Consequently he had never been in the service, although he had been performing military duty and thought he was. When this was discovered, they asked them all, the entire company, to sign the muster-in roll again, and three of the company were in the hospital, and this man was one of the three. He had contracted a heavy cold because of having slept out in the open for two or three nights. The three men were sent home. Of course, they could not be discharged, because, technically, they never had been in the service. But Congress and the Pension Bureau pension all soldiers who have served 5 days or 10 days, or any number of days, who were discharged by reason of disability contracted in line of duty. Consequently this man is punished because a captain inadvertently failed to sign the muster-in roll. It is not fair, the other two comrades who were with him having gotten pensions because a former Congress recognized the equity of the case and put them on the pension roll, where this man ought to have been years ago.

Mr. FULLER. Mr. Speaker, I dislike to oppose the granting of a pension to this man, or any old soldier, or a man who thinks he was a soldier and did service for his country. We have very many cases before the Committee on Invalid Pensions of imperative need, and if we granted pensions purely from the point of the need of the person, we would grant a great many more than we do. I think the committee has been as liberal as it can possibly be, or ought to be. The committee was unable to find anything in this case upon which the man should be entitled to a pension. We have an expert examiner detailed from the Pension Bureau to go over all the papers in the cases, and all these files are before the committee, and the committee did not think that the bill could be favorably considered in this case. While I dislike to oppose the granting of a pension, I think it would be a bad precedent to admit an amendment of this kind to a bill where the case has been rejected by the committee. Let the case go before the committee again, if the gentleman wishes, and the committee will give it a further examination. But I do not think an amendment should be made to this bill by putting in a new case that the Members know nothing about and have no means of knowing the merits of the case.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield to me for a question?

Mr. FULLER. Yes.

Mr. SMITH of Idaho. When the matter was before the committee did they examine the record furnished by The Adjutant General of the Army in regard to the service of this man to see whether or not he participated in two skirmishes and was in the hospital when examined before being mustered in?

Mr. FULLER. We examined the papers that we had before us.

Mr. SMITH of Idaho. It seems to me this is simply to correct an error made by the captain of the company.

Mr. FULLER. If we start out to admit amendments of this kind, we shall be in constant trouble.

Mr. KEARNS. Does the gentleman know or did he ever hear of a case parallel with this one? I venture to say the gentleman never heard of such a case as this one.

Mr. BLAND of Indiana. May I ask the gentleman from Ohio if he appeared before the committee concerning this bill?

Mr. KEARNS. Yes.

Mr. BLAND of Indiana. Did the gentleman present all the facts to the committee?

Mr. KEARNS. I tried to present the facts clearly. It was the first time the case had been brought to my personal attention.

Mr. BLAND of Indiana. How many times has this case been before the committee?

Mr. KEARNS. I do not know that it has been before the committee before.

Mr. BLAND of Indiana. I presume it has been before the committee many times.

Mr. KEARNS. I went before the committee the other day, and they handed me this case out of the files. I want to say that it is the strongest case I have.

Mr. BLAND of Indiana. Mr. Chairman, the rule of the committee is that unless there would be a very peculiar and unusual condition prevailing the soldier would have to have 90 days' service in order to be entitled to a pension.

Mr. KEARNS. This is for disability.

Mr. BLAND of Indiana. Unless cause of the pension was for disability received in the service.

Mr. KEARNS. This is for disability.

Mr. BLAND of Indiana. This soldier can get his pension under existing law for disability received in the service, even though his service was less than 90 days. The trouble with this situation is that the records do not show that he was ever mustered in or out. He submitted proof, of course, but he is asking that he be granted a pension upon 74 days of service and upon a record that does not show whether he was in or out of the Army. There have been cases where one's length of service was sufficient to meet the requirements under the rule, where proof was taken of his discharge. The Committee on Military Affairs have pending before them now a great number of bills correcting the military records of soldiers. I do not think it is the province of the Committee on Invalid Pensions to correct the military records of soldiers.

Mr. KEARNS. This man's record has been corrected.

Mr. BLAND of Indiana. Then the gentleman says he can not get the ear of Congress, although he has had the ear of the Committee on Military Affairs. This case has evidently been before the Committee on Invalid Pensions a number of times. Even before I came here it was before the committee, as I understand. I insist that the rules of the committee are sufficiently liberal, and we are being criticized for the liberality we have now shown. With the spirit of liberality that we have practiced under the rules we turned this down, and certainly it would be a bad precedent for us to establish here to admit amendments without mature consideration. I hope the House will not adopt the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. KEARNS. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—yeas 15, yeas 33.

Mr. MCCLINTIC. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify the absentees; the question is on agreeing to the amendment; and the Clerk will call the roll.

The question was taken; and there were—yeas 53, yeas 205, answered "present" 4, not voting 167, as follows:

## YEAS—53.

Andrews, Nebr.	Fields	Leshner	Randall, Calif.
Barbour	Foster	Longworth	Smith, Idaho
Barkley	Freeman	Luhning	Smithwick
Campbell, Pa.	Griffin	McClintic	Stephens, Ohio
Carrs	Harrell	Mansfield	Summers, Wash.
Casey	Hersey	Mason	Swindell
Cole	Howard	Miller	Thompson
Cooper	Hudspeth	Monahan, Wis.	Valle
Curry, Calif.	Ireland	Moore, Ohio	Wheeler
Dunbar	Johnson, Miss.	Ogden	Williams
Dyer	Kearns	Phelan	Wilson, Ill.
Eagan	Keller	Rainey, John W.	
Evans, Mont.	Kendall	Raker	
Fess	King	Ramseyer	

## NAYS—205.

Ackerman	Christopherson	Gard	Lee, Ga.
Andrews, Md.	Clark, Fla.	Garrett	Leibach
Ashbrook	Clark, Mo.	Goodykoontz	Lanthicum
Aswell	Classon	Green, Iowa	Luce
Ayres	Coady	Greene, Mass.	Lufkin
Bankhead	Collier	Hardy, Colo.	McAndrews
Begg	Connally	Hardy, Tex.	McArthur
Bell	Crago	Hastings	McFadden
Benham	Cramton	Haugen	McKenzie
Benson	Crisp	Hernandez	McKinley
Black	Crowther	Hersman	McLaughlin, Mich.
Bland, Ind.	Dale	Hickey	McLaughlin, Nebr.
Bland, Va.	Dallinger	Hicks	McLeod
Blanton	Darrow	Hoch	McPherson
Boles	Davey	Hoe	Madden
Bowling	Davis, Tenn.	Houghton	Magee
Box	Dickinson, Iowa	Huddleston	Mann, Ill.
Brand	Dominick	Hutchinson	Mapes
Briggs	Doughton	Igoe	Martin
Brinson	Drane	Jacoway	Mays
Brooks, Ill.	Edmonds	Johnson, Wash.	Merritt
Brooks, Pa.	Elliott	Jones, Pa.	Michener
Buchanan	Ellsworth	Jones, Tex.	Minahan, N. J.
Burdick	Esch	Kelly, Pa.	Nondell
Burroughs	Evans, Nebr.	Knutson	Montague
Byrns, Tenn.	Evans, Nev.	Kraus	Moore, Va.
Campbell, Kans.	Fairfield	Lampert	Moore, Ind.
Candler	Ferris	Lanham	Nelson, Mo.
Cantrill	Fish	Larsen	Newton, Minn.
Caraway	Fisher	Layton	O'Connor
Carter	French	Lazaro	Oliver
Chindblom	Fuller	Lea, Calif.	Osborne



Overstreet	Robison, Ky.	Stiness	Walters
Padgett	Rodenberg	Stoll	Ward
Park	Rogers	Strong, Kans.	Watkins
Parker	Rose	Strong, Pa.	Weaver
Parrish	Rowe	Summers, Tex.	Webster
Patterson	Rubey	Sweet	Welling
Peters	Schall	Taylor, Ark.	Whaley
Porter	Scott	Taylor, Colo.	White, Kans.
Pou	Sears	Temple	White, Me.
Purnell	Sells	Tillman	Wilson, La.
Quin	Sherwood	Tilson	Wilson, Pa.
Radcliffe	Shreve	Timberlake	Woods, Va.
Rainey, Henry T.	Sims	Tincher	Woodyard
Randall, Wis.	Sinclair	Towner	Wright
Rayburn	Sinnott	Treadway	Young, N. Dak.
Reavis	Sisson	Venable	Young, Tex.
Reber	Snyder	Vestal	Zihlman
Reed, N. Y.	Steagall	Vinson	
Rhodes	Stedman	Volstead	
Ricketts	Stevenson	Walsh	

## ANSWERED "PRESENT"—4.

Dowell	Kinkaid	McDuffie	Rouse
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## NOT VOTING—167.

Almon	Fordney	Kennedy, Iowa	Ransley
Anderson	Frear	Kennedy, R. I.	Reed, W. Va.
Anthony	Gallagher	Kettner	Riddick
Babka	Gallivan	Kiess	Riordan
Bacharach	Gandy	Kincheloe	Robinson, N. C.
Baer	Ganly	Kitchin	Romjue
Bee	Garner	Klecza	Rowan
Blackmon	Glynn	Kreider	Rucker
Bland, Mo.	Godwin, N. C.	Langley	Sabath
Bowers	Goldfogle	Lankford	Sanders, Ind.
Britten	Good	Little	Sanders, Ia.
Browne	Goodall	Loneragan	Sanders, N. Y.
Brumbaugh	Goodwin, Ala.	McCulloch	Sanford
Burke	Gould	McGlennon	Scully
Butler	Graham, Ill.	McKeown	Siegel
Byrnes, S. C.	Graham, Pa.	McKiniry	Slomp
Caldwell	Green, Iowa	McLare	Small
Cannon	Greene, Vt.	MacGregor	Smith, Ill.
Carew	Griest	Maher	Smith, Mich.
Cleary	Hadley	Major	Smith, N. Y.
Copley	Hamill	Mann, N. C.	Snell
Costello	Hamilton	Mead	Steele
Cullen	Harrison	Milligan	Steenerson
Currie, Mich.	Hawley	Moon	Stephens, Miss.
Davis, Minn.	Hayden	Mooney	Sullivan
Dempsey	Hays	Morin	Swope
Denison	Hill	Mott	Tague
Dent	Holland	Mudd	Taylor, Tenn.
Dewalt	Hulings	Murphy	Thomas
Dickinson, Mo.	Hull, Iowa	Neely	Tinkham
Donovan	Hull, Tenn.	Nelson, Wis.	Upshaw
Dooling	Humphreys	Newton, Mo.	Vare
Doremus	Husted	Nicholls	Voigt
Drewry	James, Mich.	Nolan	Volk
Dunn	James, Va.	O'Connell	Wason
Dupré	Jefferis	Oldfield	Watson
Eagle	Johnson, Ky.	Olney	Welty
Echols	Johnson, S. Dak.	Palge	Wingo
Elston	Johnston, N. Y.	Pell	Winslow
Emerson	Juul	Perlman	Wise
Flood	Kahn	Rainey, Ala.	Wood, Ind.
Focht	Kelley, Mich.	Ramsey	Yates

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. KAHN with Mr. DENT.  
 Mr. BUTLER with Mr. STEELE.  
 Mr. BOWERS with Mr. NEELY.  
 Mr. SANDERS of Indiana with Mr. GALLIVAN.  
 Mr. SIEGEL with Mr. GOODWIN of Arkansas.  
 Mr. VOLK with Mr. MAJOR.  
 Mr. REED of West Virginia with Mr. MOON.  
 Mr. ANDERSON with Mr. GARNER.  
 Mr. DENISON with Mr. HAMILL.  
 Mr. CURRIE of Michigan with Mr. HULL of Tennessee.  
 Mr. VOIGT with Mr. BLAND of Missouri.  
 Mr. DUNBAR with Mr. LANKFORD.  
 Mr. FORDNEY with Mr. KITCHIN.  
 Mr. DAVIS of Minnesota with Mr. BYRNES of South Carolina.  
 Mr. HULINGS with Mr. EVANS of Montana.  
 Mr. NOLAN with Mr. SMALL.  
 Mr. ANTHONY with Mr. HARRISON.  
 Mr. KENNEDY of Rhode Island with Mr. ALMON.  
 Mr. HULL of Iowa with Mr. CAREW.  
 Mr. BRITTEN with Mr. PELL.  
 Mr. ECHOLS with Mr. O'CONNELL.  
 Mr. GRIEST with Mr. NICHOLLS.  
 Mr. BURKE with Mr. RAINEY of Alabama.  
 Mr. LANGLEY with Mr. OLDFIELD.  
 Mr. SMITH of Idaho with Mr. ROBINSON of North Carolina.  
 Mr. HAMILTON with Mr. McLANE.  
 Mr. JAMES of Michigan with Mr. GOLDFOGLE.  
 Mr. BACHARACH with Mr. ROWAN.  
 Mr. MUDD with Mr. BEE.  
 Mr. SNELL with Mr. DUPRÉ.

Mr. SMITH of Illinois with Mr. CLEARY.  
 Mr. WINSLOW with Mr. CULLEN.  
 Mr. FREAR with Mr. MCKINIRY.  
 Mr. GLYNN with Mr. SABATH.  
 Mr. JUUL with Mr. UPSHAW.  
 Mr. BROWNE with Mr. JAMES of Virginia.  
 Mr. CANNON with Mr. RUCKER.  
 Mr. HILL with Mr. THOMAS.  
 Mr. RANSLEY with Mr. CALDWELL.  
 Mr. JOHNSON of South Dakota with Mr. BABKA.  
 Mr. SMITH of Michigan with Mr. DONOVAN.  
 Mr. KLECZKA with Mr. DEWALT.  
 Mr. COPLEY with Mr. MEAD.  
 Mr. FOCHT with Mr. SULLIVAN.  
 Mr. GRAHAM of Pennsylvania with Mr. DOOLING.  
 Mr. HUSTED with Mr. EAGLE.  
 Mr. SLEMP with Mr. FLOOD.  
 Mr. GRAHAM of Illinois with Mr. GANLY.  
 Mr. TINKHAM with Mr. RIORDAN.  
 Mr. GREEN of Iowa with Mr. ROMJUE.  
 Mr. DUNN with Mr. KINCHELOE.  
 Mr. GOOD with Mr. HUMPHREYS.  
 Mr. ELSTON with Mr. OLNEY.  
 Mr. GOODALL with Mr. SMITH of New York.  
 Mr. DEMPSEY with Mr. GANDY.  
 Mr. KELLEY of Michigan with Mr. HAYDEN.  
 Mr. GREENE of Vermont with Mr. GALLAGHER.  
 Mr. PAIGE with Mr. DREWRY.  
 Mr. MURPHY with Mr. DOREMUS.  
 Mr. SANDERS of New York with Mr. BLACKMON.  
 Mr. STEENERSON with Mr. HOLLAND.  
 Mr. JEFFERIS with Mr. BRUMBAUGH.  
 Mr. MOTT with Mr. DICKINSON of Missouri.  
 Mr. WATSON with Mr. MCGLENNON.  
 Mr. TAYLOR of Tennessee with Mr. STEPHENS of Mississippi.  
 Mr. NEWTON of Missouri with Mr. JOHNSTON of New York.  
 Mr. PERLMAN with Mr. WISE.  
 Mr. HADLEY with Mr. SCULLY.  
 Mr. KENNEDY of Iowa with Mr. SANDERS of Louisiana.  
 Mr. MACGREGOR with Mr. TAGUE.  
 Mr. GOULD with Mr. WINGO.  
 Mr. RIDDICK with Mr. GODWIN of North Carolina.  
 Mr. WOOD of Indiana with Mr. JOHNSON of Kentucky.  
 Mr. YATES with Mr. KETTNER.  
 Mr. MORIN with Mr. LONERGAN.  
 Mr. WASON with Mr. MANN of South Carolina.  
 Mr. VARE with Mr. MOONEY.  
 Mr. NELSON of Wisconsin with Mr. MILLIGAN.  
 Mr. KREIDER with Mr. MAHER.  
 Mr. KIESS with Mr. WELTY.  
 Mr. LITTLE with Mr. MCKEOWN.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MADDEN). A quorum is present. The Sergeant at Arms will open the doors. The Clerk will read.

The Clerk read as follows:

The name of Charles N. Ashford, alias William Kenney, late of Company D, One hundred and fifth Regiment, and Company K, Ninety-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving: *Provided*, That no part of the pension herein granted shall be withheld by the Bureau of Pensions for recoupment of former alleged erroneous payments of pension.

Mr. WALSH. Mr. Speaker, what is the necessity for this proviso: That no part of the pension herein granted shall be withheld by the Bureau of Pensions for recoupment of former alleged erroneous payments of pensions?

Mr. FULLER. That is undoubtedly a case where the Pension Bureau held that the man was wrongfully granted a pension, and at some time his name was stricken from the roll. The committee decided to put his name back without recoupment. Otherwise the Pension Bureau, if they thought they had made any erroneous payments, would deduct them before they would pay him any money under the pension now granted him, and in this case the committee thought there should be no recoupment.

Mr. WALSH. The committee thought that the Pension Bureau was in error in dropping him from the roll?

Mr. FULLER. Evidently.

Mr. WALSH. Does the gentleman know how much is involved?

Mr. FULLER. I have no recollection of the case now.

The Clerk resumed and completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 4323. Alice Jones.	H. R. 13210. Elizabeth Dulhagen.
H. R. 5982. Allen Landis.	H. R. 15231. Matilda Smith.
H. R. 9192. Harriet J. Bailey.	H. R. 15245. Mary E. Emery.
H. R. 12735. Fannie West.	H. R. 15259. Lucinda Welch.
H. R. 12989. Helen L. Barzee.	H. R. 15268. William Allen.
H. R. 13038. Abbie E. Avery.	H. R. 15277. Sarah M. Beach.
H. R. 13493. Isabella W. Williams.	H. R. 15310. Annie Rouse.
H. R. 13688. Samuel C. Shattler.	H. R. 15314. Sadie L. Holmes.
H. R. 13763. Minta Green.	H. R. 15337. Martha E. Hoover.
H. R. 13856. Harriet M. Powers.	H. R. 15354. Ella H. Anthony.
H. R. 13937. Georgianna Curry.	H. R. 15362. Jennie Hall.
H. R. 14261. Charles F. George.	H. R. 15370. Elizabeth Davis.
H. R. 14262. James S. George.	H. R. 15383. Alice Chamblin.
H. R. 14317. Lourinda McIntosh.	H. R. 15390. Vinnie E. Saunders.
Ross.	H. R. 15391. Elizabeth N. Coombs.
H. R. 14394. Josephine Olson.	H. R. 15401. Nancy E. Wimer.
H. R. 14439. Emma Colt.	H. R. 15402. Josephine Chambers.
H. R. 14453. Mary E. Finson.	H. R. 15403. Mary E. Orr.
H. R. 14523. Susie F. Woolfolk.	H. R. 15405. David H. Funk.
H. R. 14524. Mabel Turton.	H. R. 15415. Rebecca J. Short.
H. R. 14544. George W. Parker.	H. R. 15430. Rhoda Workman.
H. R. 14563. Martha J. Colestock.	H. R. 15434. Josephine Ella Henshen.
H. R. 14567. Harrison Bernard Taylor.	H. R. 15437. Sybil M. Mixer.
H. R. 14568. Nancy J. Parker.	H. R. 15456. Rebecca E. Hosier.
H. R. 14597. Mary M. Roush.	H. R. 15457. Kate N. Mytinger.
H. R. 14598. Lovina Taylor.	H. R. 15459. Sarah E. Murray.
H. R. 14599. Mattie Rowney.	H. R. 15463. Nellie A. Dalton.
H. R. 14626. Elizabeth M. Shears.	H. R. 15472. Barbara Reineck.
H. R. 14632. Mary B. Preston.	H. R. 15494. Margaret J. Page.
H. R. 14647. Jennie B. Spiker.	H. R. 15499. Nannie B. Turner.
H. R. 14648. Elizabeth A. Wheeler.	H. R. 15501. Mahala Winn.
H. R. 14703. Elizabeth Stowell.	H. R. 15502. Henrietta Sheumacher.
H. R. 14719. Clarrisa L. Frye.	H. R. 15505. Lewis Powers, alias George Powers.
H. R. 14724. Cleo York.	H. R. 15508. Hannah E. Brainard.
H. R. 14733. Leon Springer.	H. R. 15509. Anis Apple.
H. R. 14769. Angelina O. Hemenway.	H. R. 15527. Helen I. Tilton.
H. R. 14771. Elizabeth Baillie.	H. R. 15534. Amelia C. Martin.
H. R. 14774. Catherine T. Keating.	H. R. 15537. Amanda Kenny.
H. R. 14780. Ellen Semmer.	H. R. 15539. Juliette Boon.
H. R. 14781. Nannie A. Mann.	H. R. 15542. Julia A. Gardner.
H. R. 14799. Charles W. Bowman.	H. R. 15552. Anne E. Black.
H. R. 14806. Margaret Hewitt.	H. R. 15556. Clara Daughters.
H. R. 14816. Linda Bradley.	H. R. 15557. Charles Duerson.
H. R. 14833. Elizabeth M. Snay.	H. R. 15562. Susie Labaw.
H. R. 14870. Mary Ellen Woodward.	H. R. 15569. Mary E. Blunt.
H. R. 14878. Edwin Reader Patterson.	H. R. 15590. Ellen L. Barnes.
H. R. 14882. Mary J. Smoke.	H. R. 15592. Jane E. Kernan.
H. R. 14910. Malissa Main.	H. R. 15596. Harriet E. Dennison.
H. R. 14912. Mary G. Patton.	H. R. 15600. Alberto Murray.
H. R. 14938. Mary I. Bennett.	H. R. 15618. Charles N. Ashford, alias William Kenny.
H. R. 14942. Margaret Gibbons.	H. R. 15619. Lida Haskill.
H. R. 14965. Lou Watson.	H. R. 15620. Jetora E. Anderson.
H. R. 14971. Lucy Banks.	H. R. 15621. Alice M. Thompson.
H. R. 14972. Marcus Broderick.	H. R. 15622. Nelson H. Henry.
H. R. 14983. Julia Finley.	H. R. 15629. Annie T. Lamarche.
H. R. 14984. Emma E. Warner.	H. R. 15630. Amanda M. Bailey.
H. R. 14986. Maria C. Hill.	H. R. 15639. Ida L. Sook.
H. R. 14995. Drusilla Luce.	H. R. 15640. Malinda Rundell.
H. R. 14998. Margaret A. Patterson.	H. R. 15642. Mary M. Strong.
H. R. 15007. William Stevenson.	H. R. 15643. Margaret S. Pruyn.
H. R. 15008. Rebecca E. Myers.	H. R. 15644. Mary A. Clark.
H. R. 15031. Mary C. Titman.	H. R. 15646. Hester A. Philips.
H. R. 15055. Lena A. Fowler.	H. R. 15647. Mary E. Peake.
H. R. 15062. Clara A. Griffin.	H. R. 15652. Jennie H. Squier.
H. R. 15109. Katherine Wheeler Hauns.	H. R. 15656. Elizabeth A. Barclay.
H. R. 15110. Lizzie Bailey.	H. R. 15667. Minnie May Andrews.
H. R. 15118. Catherine E. Weatherby.	H. R. 15681. Ulysses Grant Kirker.
H. R. 15135. George A. Liston.	H. R. 15689. Mabel Nolin.
H. R. 15137. Mary E. Whitbeck.	H. R. 15693. Martha Tucker.
H. R. 15140. Mary Wingardner.	H. R. 15697. Fanny Hart Baber.
H. R. 15149. William H. Linna-barry.	H. R. 15703. Sarah C. Rawlins.
H. R. 15150. Daisy B. Shindollar.	H. R. 15704. Margaret Sweet.
H. R. 15169. Allie Lyzeur.	H. R. 15721. Harriet B. S. Soliday.
H. R. 15174. Margart Fitzpatrick.	H. R. 15732. Amanda J. Gilmore.
H. R. 15186. John Baker.	H. R. 15734. Sarah McGowan.
H. R. 15197. Vernon Stevens.	H. R. 15742. Amanda Baird.
H. R. 15199. Ralph England.	H. R. 15743. Alice Dunbar.
H. R. 15200. Nancy Ault.	H. R. 15745. John A. Thomas.
H. R. 15201. Fannie E. Tinker.	H. R. 15752. Betsy G. Frost.
H. R. 15202. Mary R. Leighton.	H. R. 15755. Phoebe A. Rawles.
H. R. 15203. Belle Morrison.	H. R. 15757. Mary A. Carroll.
	H. R. 15788. Joseph Floyd.
	H. R. 15803. Susan Baker.
	H. R. 15863. Olive G. Hughes.
	H. R. 15888. Cynthia R. Osgood.

Mr. SELLS. Mr. Speaker, I call up the bill (H. R. 15900) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. That consent was granted as to all pension bills to be considered to-day. The Clerk will report the bill.

The Clerk proceeded to read the bill, and read as follows:

The name of Ida M. Zimmerman, widow of Charles A. Zimmerman, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. What is there with reference to this case that caused the committee to recommend the payment of a pension of \$25 per

month to Ida M. Zimmerman? She is the widow of an officer of the Regular Establishment. Did she marry him since 1905?

Mr. SELLS. No. It has not been the practice of our committee to grant pensions to remarried widows of officers of the regular service at all, but this woman probably has been unable to show that the death of her husband was due to his Army service, and in that case the committee has granted her a pension at the usual rate of \$25.

Mr. WALSH. She was not able to show that her husband died as the result of service?

Mr. SELLS. The gentleman will find all the facts in the case stated in the report. Each of these cases is explained in full in the committee report, and of course it is manifestly impossible for the chairman to carry the details of each case in his mind.

Mr. WALSH. There was nothing in connection with this claim to show any service in any war on the part of her husband, I understand.

Mr. SELLS. Ida M. Zimmerman was the widow of Charles A. Zimmerman, who served in the Regular Establishment of the United States Navy as leader of the Naval Academy band from April 21, 1910, to July 16, 1916, and he had previously been connected with the band in a civilian capacity since 1882, showing service extending over a period of practically 34 years. On that record the committee thought his widow should have a pension.

Mr. WALSH. I withdraw the pro forma amendment.

The Clerk completed the reading of the bill.

Mr. SELLS. Mr. Speaker, I ask unanimous consent to offer an amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SELLS: Page 12, line 7, strike out "\$10" and insert "\$20."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. WALSH. I think the RECORD ought to show that the gentleman obtained consent to return to that line and page.

The SPEAKER. The Chair put it in the form of request for unanimous consent.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 7, strike out "\$10" and insert "\$20."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The amendment was agreed to.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 28, line 13, strike out the word "India" and insert the word "Indian."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The amendment was agreed to.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 29, after the word "month," in line 19, add "in lieu of that she is now receiving."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The amendment was agreed to.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 14, strike out "\$12" and insert "\$20."



The SPEAKER. Without objection, the amendment will be agreed to.

Mr. WALSH. I think we ought to have some explanation of these increases in these pensions above what the committee has reported.

Mr. SELLS. They are mere corrections of typographical errors made by the Printing Office.

Mr. WALSH. The committee originally reported the figures stated in the amendments?

Mr. SELLS. Yes.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SELLS, a motion to reconsider the vote by which the bill was passed was laid on the table.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 680. Mercedes Slocum, Patricia Slocum, and James Slocum.  
H. R. 1883. Frances E. Herlehy.  
H. R. 3009. Leonard Ripple.  
H. R. 4926. Jacob Johnson.  
H. R. 5350. Elissa Bahlkow.  
H. R. 5968. Anna M. Carroll.  
H. R. 6003. Henrietta A. Brewer.  
H. R. 7940. James A. Childers.  
H. R. 8088. Bronislawa Wypiewski.  
H. R. 8715. James G. Whalin.  
H. R. 9296. Christina Holden.  
H. R. 9441. Mary Sheridan.  
H. R. 9682. Barbara Jones.  
H. R. 9750. John T. Mockabee.  
H. R. 10123. Harry F. Hastings.  
H. R. 10152. Cornelia A. Deal.  
H. R. 10345. Belle Cannon.  
H. R. 11210. Michael Balenti.  
H. R. 11965. Jacob Amberg.  
H. R. 12064. Martha Wallace.  
H. R. 12082. Samuel A. Holt.  
H. R. 12108. Lucile D. Murphey.  
H. R. 12179. Gilbert G. Hornsby.  
H. R. 12640. James M. Wilson.  
H. R. 12781. Ida C. Brandan.  
H. R. 13020. Gue M. Allen.  
H. R. 13119. Marie A. Colby.  
H. R. 13124. Ida M. Zimmerman.  
H. R. 13320. James E. Mulford.  
H. R. 13354. Jacob James.  
H. R. 13368. John Donovan.  
H. R. 13444. Harriet E. Brown.  
H. R. 13452. Mary E. Turner.  
H. R. 13471. Rufus S. Hataway.  
H. R. 13567. M. Davis.  
H. R. 13582. William H. Ratliff.  
H. R. 13641. Sarah A. Scott.  
H. R. 13675. Mary Wantz.  
H. R. 13712. Margaret L. Williams.  
H. R. 13734. Antonette Dierken.  
H. R. 13778. Corydon W. Clark.  
H. R. 13782. Ellen S. Palmer.  
H. R. 13793. Hattie Hjelmsberg.  
H. R. 13810. Thomas H. Crocker.  
H. R. 13820. Catherine Burke.  
H. R. 13822. Susan E. Strevel.  
H. R. 13866. Annie J. Peters.  
H. R. 13897. James Sullivan.  
H. R. 13914. Elizabeth A. Brown.  
H. R. 13922. Orrill George.  
H. R. 13929. Henry Oelhoff.  
H. R. 13990. Christian Hess.  
H. R. 14014. David W. Graves.  
H. R. 14078. Margaret E. Murren.  
H. R. 14079. Anna M. Hughes.  
H. R. 14085. James L. Phillips.  
H. R. 14086. Bessie Wood.  
H. R. 14108. William W. Burke.  
H. R. 14116. Kit Smith.  
H. R. 14117. John Frund.  
H. R. 14131. Harry L. Wilson.  
H. R. 14183. Mathilde E. Ames.  
H. R. 14193. James Cantrell.  
H. R. 14194. William Sondergaard.  
H. R. 14230. Eleanor W. Massey.  
H. R. 14233. Laura E. Gardner.  
H. R. 14243. Grace A. Kimmer.  
H. R. 14244. Jacob Mandelbaum.  
H. R. 14247. Malissa M. A. Carlson.  
H. R. 14263. Gertrude G. Brown.  
H. R. 14265. Sallie C. Goodman.  
H. R. 14294. Mary E. Lynde.  
H. R. 14295. Bridget Margaret Geraghty.  
H. R. 14307. Edwin S. Fager.  
H. R. 14310. Albert Young.  
H. R. 14343. Indiana Abbott.  
H. R. 14346. Alice M. Burke.  
H. R. 14352. Charles Hurrell.  
H. R. 14361. Jarus S. Dickinson.  
H. R. 14364. Amelia J. Barnard.  
H. R. 14393. Sarah E. Cottrell.  
H. R. 14408. Bruce E. Townsend.  
H. R. 14459. Sadie Judith Tharp.  
H. R. 14519. Anna M. Shannon.  
H. R. 14521. Annie N. Sullivan.  
H. R. 14525. Bridget Kuhlman.  
H. R. 14541. Teresa M. Strain.  
H. R. 14542. John C. Butler.  
H. R. 14548. Clifton L. Fenton.  
H. R. 14553. William Margo.  
H. R. 14560. Annie F. Hickey.  
H. R. 14561. Edward Halloran.  
H. R. 14569. Paul L. Bahr.  
H. R. 14576. John E. Stidham.  
H. R. 14577. Cornelius Meek.  
H. R. 14578. Belle Sturgill.  
H. R. 14583. Alice G. Hudson.  
H. R. 14602. William A. Johnson.  
H. R. 14618. John A. Napier.  
H. R. 14620. Lydia Vicars.  
H. R. 14621. William M. Edwards.  
H. R. 14630. Ida Cohen.  
H. R. 14631. Ella G. Brock.  
H. R. 14636. Mary Rooney.  
H. R. 14687. Thomas Bunton.  
H. R. 14705. John J. Powers.  
H. R. 14706. Sophia E. McKinney.  
H. R. 14710. Flora E. Tyler.  
H. R. 14713. Lula S. Fitzsimmons.  
H. R. 14716. Margaret M. Agan.  
H. R. 14729. Emma M. Gardner.  
H. R. 14763. Andrew J. Duncan.  
H. R. 14782. Edwin M. Thomas.  
H. R. 14783. Albert Putnam.  
H. R. 14791. Norman F. Henry.  
H. R. 14795. Rose C. Isaac.  
H. R. 14817. Elizabeth Skaggs.  
H. R. 14818. Mollie Bradford.  
H. R. 14819. William L. Basket.  
H. R. 14829. Mary Ann Smith.  
H. R. 14841. Henrietta A. Hewett.  
H. R. 14871. Sallie M. Cohen.  
H. R. 14875. Rushie Peterman.  
H. R. 14889. Della A. Cooter.  
H. R. 14890. August Richards.  
H. R. 14891. James H. Reed.  
H. R. 14894. Mary E. Wiggins.  
H. R. 14924. Theodore Hansen.  
H. R. 14927. Veronica Deckard.  
H. R. 14945. George W. Burleson.  
H. R. 14964. Ophelia Matthews.  
H. R. 14974. James M. Berry.  
H. R. 14975. Caroline Haines Willis.  
H. R. 14977. Minerva A. Ellis.  
H. R. 14987. Mary Rita Moon.  
H. R. 14988. Sylvester J. Fisher.  
H. R. 14999. Elmer H. Weddle.  
H. R. 15000. Isaac Trent.  
H. R. 15002. James Foley.  
H. R. 15033. Lennie R. Rutherford.  
H. R. 15045. George Sheehan.  
H. R. 15060. Patrick Flood.  
H. R. 15061. William W. Jordan.  
H. R. 15070. William Abt.  
H. R. 15076. Elizabeth M. Kubns.  
H. R. 15077. Beatrice Mabel Baker, Lester Belford Baker, and Anna Elizabeth Baker.  
H. R. 15078. Elizabeth B. Rebhun.  
H. R. 15101. Catherine E. Hartman.  
H. R. 15107. Joshua C. Carney.  
H. R. 15111. Mary A. Gooden.  
H. R. 15115. Thomas McGinnis.  
H. R. 15116. Isabell Deloch.  
H. R. 15138. Elijah P. Higgins.  
H. R. 15144. Tivis C. Simmons.  
H. R. 15167. Mace Wise.  
H. R. 15183. John C. McCoy.  
H. R. 15213. James W. Fisher.  
H. R. 15215. James G. Shockley.  
H. R. 15236. Ellen C. Giddens.  
H. R. 15248. Mary McEvoy.  
H. R. 15264. Mary Crawford.  
H. R. 15279. Cornelia de Camp Croxton.  
H. R. 15280. Floyd L. Green.  
H. R. 15291. John C. Trent.  
H. R. 15292. Nancy M. Wagner.  
H. R. 15293. Clarence Matchett, alias Harry J. Reed.  
H. R. 15294. Charles T. Bowman.

H. R. 15298. Joseph T. Moore.  
H. R. 15316. Thomas Rolle.  
H. R. 15335. James H. Scollin.  
H. R. 15350. Martin O. Frauendorf.  
H. R. 15352. Emma L. Williams.  
H. R. 15358. Harris Dreebin.  
H. R. 15367. George R. Robinson.  
H. R. 15377. Nathaniel R. Taylor.  
H. R. 15384. Dury M. Craft.  
H. R. 15387. Charles M. S. Rons-holdt.  
H. R. 15416. Charles W. Anderson.  
H. R. 15462. Frieda Steinert.  
H. R. 15464. Gustav F. Breiter.  
H. R. 15468. Louisa M. Walker.  
H. R. 15469. Nannie Jackson Mitchell.  
H. R. 15470. Frank C. Miller.  
H. R. 15471. Robert Bales.  
H. R. 15478. Sarah V. Cribb.  
H. R. 15538. Wyman Cottle.  
H. R. 15540. Wood C. Wilson.  
H. R. 15553. Edward Miller, alias Frank Smith.  
H. R. 15572. Polly E. Thompson.  
H. R. 15582. Mathew Dudley.  
H. R. 15583. Margaret A. Warren.  
H. R. 15584. Louisa E. Schindling.  
H. R. 15650. Sarah Ana Cornwell.  
H. R. 15654. William H. Martin.  
H. R. 15670. William M. Golden.  
H. R. 15674. John H. Dale.  
H. R. 15679. Mary E. Constable.  
H. R. 15691. Leonora E. Wright.  
H. R. 15699. Smith Richards.  
H. R. 15701. John F. Prater.  
H. R. 15709. Hyman Mendelson.  
H. R. 15731. Jerry Fitzpatrick.  
H. R. 15738. John A. Poe.  
H. R. 15759. George W. Vineyard.  
H. R. 15818. Valentine B. Proehl.  
H. R. 15848. Margaret Daley.  
H. R. 15868. William M. Lillard.  
H. R. 15884. Belle Kirgan.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 15346, to repeal certain portions of an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 5, 1920.

Mr. BLANTON. Mr. Speaker, I raise the question that this bill is not privileged. This is a bill to repeal pension laws, and under what rule is such a bill privileged?

Mr. FULLER. The bill relates to an omnibus bill passed at the last session in which it was discovered that certain information was concealed from the committee in two cases which were got through by constructive fraud at least. This bill is to repeal those two cases.

Mr. BLANTON. It does not in any way repeal or change the general pension laws?

Mr. FULLER. No; it is simply to repeal the two cases that I speak of.

The Clerk read as follows:

*Be it enacted, etc.,* That so much of an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" (Private act No. 70, 66th Cong.), approved June 5, 1920, as reads as follows:

"The name of Catherine Osborn, helpless and dependent daughter of Andrew J. Osborn, late of Company G, Second Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$20 per month"; and

"The name of Malinda Kiniston, widow of Josiah W. Kiniston, late unassigned, One hundred and twelfth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month"; be, and the same is hereby, repealed, and the names of the said Catherine Osborn and the said Malinda Kiniston are hereby ordered to be stricken from the pension roll.

Mr. FULLER. Mr. Speaker, in support of this bill I have simply to say that certain information was not given to either the House committee or the Senate committee. Under the bill that was passed it included these two cases, and it was found that both of these women were married women when the bill was passed. The committee does not knowingly report bills to pension married women.

Mr. BLANTON. Will the gentleman yield?

Mr. FULLER. Yes.

Mr. BLANTON. What about the amounts of money that has been paid to them?

Mr. FULLER. The pensions have been held up by the bureau; they have not been paid.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNEN in the chair.

The CHAIRMAN. Last evening when the committee rose there was a point of order pending made by the gentleman from Texas, the arguments upon which were not concluded.

Mr. ROGERS. Mr. Chairman, I desire further recognition to discuss the point of order which was pending when the committee rose last evening. The point of order made by the gentleman from Texas related to three items in the third paragraph of the bill—one appropriating a salary for the minister to Finland, another appropriating a salary for the minister to the Serbs, Croats, and Slovenes, and the third appropriating a salary for the minister to Turkey.

The Chair, as I gathered from comments which he interjected, agrees with my contention that it is the function of the Executive to recognize foreign countries, but the Chair was apparently in some doubt whether the right to recognize carried with it the right to appoint a minister or ambassador without the express and direct sanction of Congress in each case. I desire at this point to read into the Record the paragraph of the Constitution on which I rely in my assertion that the three missions in question are authorized by law, for the authority of law in this instance is the supreme law of the land—the Constitution.

Article II, section 2, of the Constitution provides, in part:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. \* \* \*

The question presents itself at the outset as to whether the final clause which I have read, "and which shall be established by law," must be construed as relating so far back into the previous language of the paragraph as to limit the authority of the President to appoint ambassadors, other public ministers and consuls. So far as I know that exact question has never been decided by the Supreme Court of the United States. But in a case decided by Mr. Justice Marshall, while sitting in the Circuit Court of the United States for the District of Virginia and North Carolina, during the year 1823, there is a discussion by Judge Marshall of the general questions which are presented by this phase of the present controversy. This case is United States against Maurice and others, Brockenbrough's Reports, volume 2, page 96, especially at pages 100 to 103. Justice Marshall found it necessary to consider the antecedent of "which" in the clause which I have quoted. In the course of his discussion he says:

I feel no diminution of reverence for the framers of this sacred instrument when I say that some ambiguity of expression has found its way into this clause. If the relative "which" refers to the word "appointments," that word is referred to in a sense rather different from that in which it had been used. It is used to signify the act of placing a man in office, and referred to as signifying the office itself. Considering this relative as referring to the word "offices," which word, if not expressed, must be understood, it is not perfectly clear whether the words "which" offices "shall be established by law" are to be construed as ordaining that all offices of the United States shall be established by law or merely as limiting the previous general words to such offices as shall be established by law. Understood in the first sense, this clause makes a general provision that the President shall nominate and, by and with the consent of the Senate, appoint to all offices of the United States, with such exceptions only as are made in the Constitution; and that all offices (with the same exceptions) shall be established by law. Understood in the last sense, this general provision comprehends those offices only which might be established by law, leaving it in the power of the Executive, or of those who might be entrusted with the execution of the laws, to create in all laws of legislative omission such offices as might be deemed necessary for their execution, and afterwards to fill those offices.

In this ignorance of the course which may have been pursued by the Government, I shall adopt the first interpretation, because I think it accords best with the general spirit of the Constitution, which seems to have arranged the creation of office among legislative powers, and because, too, this construction is, I think, sustained by the subsequent words of the same clause, and by the third clause of the same section.

In other words, Justice Marshall regarded the "which" as relating back to the word "offices" and not as relating back to the word "appointments."

But his so holding carries with it the corollary that he did not deem it a possible construction that the "and which" clause which I have quoted could possibly relate to the portion of the language which refers to ambassadors, other public ministers, and consuls. Therefore, while the authority is not a square one, it seems to indicate that in the opinion of John Marshall the President's power to appoint ambassadors and public ministers did not depend upon any statutory enactment by Congress, but found its source directly in the Constitution itself.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. WALSH. Does the gentleman contend that Congress could not pass a law stating that there should be no diplomatic representatives of the United States to a certain country?

Mr. ROGERS. I think that that contention follows necessarily from the argument which I am making. There is one qualification to that, however; that, of course, the President must have the confirmation of the Senate before the office can be validly created and the ambassador or public minister can be validly appointed.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. MANN of Illinois. What has been the practice with reference to the appointment of ambassadors as contradistin-

guished from ministers to foreign countries? Has that followed action by Congress, appropriation or otherwise, or has the action of Congress followed action by the President?

Mr. ROGERS. In the matter of ambassadors, the situation is this, as I indicated rather fully yesterday afternoon. The act of 1893 was the first reference in the statute law to ambassadors as far as any attempted regulation of the appointment is concerned. A statute of 1856 (11 Stat., 52) had prescribed the salaries of ambassadors, but no ambassadors were ever appointed by the President until after the act of 1893.

Mr. MANN of Illinois. Does the gentleman think that under the constitutional provision the President can appoint an ambassador to any country that he chooses, regardless of action by Congress?

Mr. ROGERS. I think that the answer which I made to the gentleman from Massachusetts [Mr. WALSH] applies, and that the answer is yes, provided that there shall be a confirmation by the Senate.

Mr. MANN of Illinois. Has that been the practice?

Mr. ROGERS. That has been the practice, as far as ministers are concerned.

Mr. MANN of Illinois. I understand.

Mr. ROGERS. And the constitutional question is precisely the same as between ministers and ambassadors.

Mr. MANN of Illinois. Is there a minister to those countries named and confirmed by the Senate?

Mr. ROGERS. Yes.

Mr. MANN of Illinois. There is an actual minister?

Mr. ROGERS. Yes. In the case of Poland, of Finland, of Czechoslovakia, and of the Serbs, the Croats, and Slovenes. There is not at this moment a minister or ambassador to Turkey.

Mr. MANN of Illinois. Is there any provision of law specifically naming ministers for different countries?

Mr. ROGERS. There is not.

Mr. MANN of Illinois. Except in the appropriation act.

Mr. ROGERS. Only in the appropriation act.

Mr. MANN of Illinois. The President does not appoint the minister by authority of the appropriation act, because the President does not appoint a new minister every year in each country.

Mr. ROGERS. That is true. The only qualification to the answer which I have just made is that a statute of many years standing fixes the salaries of the ambassadors or ministers to certain places.

Mr. MANN of Illinois. But that has nothing to do with the constitutional question.

Mr. ROGERS. No; that is not in point here.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BEGG. Is it not a fact, right on that point, that last year or the last session of Congress we did pass a resolution raising the post at Belgium to that of ambassadorship before there was any action taken?

Mr. ROGERS. That is true, and if the gentleman will permit me, I shall discuss that phase of the question in a few moments after I have cited two or three authorities that I think are fundamentally important on the general question.

Mr. Chairman, this general problem was apparently first considered by the executive officers of the United States Government in 1790. I quote from volume 4 of Moore's International Law Digest, section 632:

Thomas Jefferson was asked for an opinion upon the situation in relation to the appointment of our foreign representatives, and he gave this opinion:

"The Constitution having declared that the President shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, the President desired my opinion whether the Senate has a right to negative the grade he may think it expedient to use in a foreign mission as well as the person to be appointed. I think the Senate has no right to negative the grade."

Again, James Monroe, when President of the United States in 1822, consulted ex-President James Madison upon a somewhat similar question, and Mr. Madison answered thus:

The practice of the Government has from the beginning been regulated by the idea that the places or offices of public ministers and consuls existed under the law and usages of nations, and were always open to receive appointments as they might be made by competent authority.

In the second volume of Hinds' Precedents, section 1546, there is a very extended discussion of a matter which came before this House of Representatives in 1825.

On December 6, 1825, in his annual message to Congress, President John Quincy Adams referred to the independence of the South American Republics, and said:

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling at the Isthmus of Panama a congress, at which each of them shall be represented, to deliberate upon objects



important to the welfare of all. The Republics of Colombia, of Mexico, and of Central America have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at these deliberations and to take part in them, so far as may be compatible with that neutrality from which it is neither our intention nor the desire of other American States that we should depart.

The question came before the House on March 25, 1826, as to whether an appropriation should be made for the expenses of the mission which President Adams had announced he was proposing to send. The Committee on Ways and Means reported a bill making an appropriation for the commission. The bill was very hotly argued in the House of Representatives, many able Representatives being heard in favor of the appropriation and others being equally urgent in opposition to the appropriation. This is the line of argument, as quoted in Hinds' Precedents, advanced by Daniel Webster, who 16 years after that time became Secretary of State. Webster strongly urged the passage of the appropriation:

Those who argued that the appropriation should be made called attention to the fact that public ministers were created not by statute but by the law of nations and were recognized by the Constitution as existing. They were appointed by the President and the Senate. Acts of Congress limited their salaries, but did no more. By voting the salaries the House simply empowered another branch of the Government to discharge its own duties. In so voting the House had no responsibility for the conduct of the negotiations. To refuse the appropriation would be to prevent the action of the Government according to constitutional plan. Of course, the House could break up a mission by withholding salaries, as it could break up a court, but the House should not, and could not, share Executive duty.

Then James Buchanan, later Secretary of State under Polk and still later President of the United States, joined in the discussion on the same side with Daniel Webster. He said in substance this:

The House is morally bound to vote the salaries of ministers duly created by the President and the Senate. The obligation is as strong as it is to carry into effect a treaty. The power to create the minister was contained in the same clause that provided for treaties. The House might not prejudice the determination of the President and Senate in regard to those officers. Their salaries might not be withheld any more than the House could withhold the salaries of the President and the Supreme Court. If the salaries were withheld the ministers would be legally appointed and their acts would be valid. Of course, however, the House has the physical power to withhold an appropriation.

In 1856 Congress passed a general act regulating in detail the foreign service of the United States. I shall not read it in full because it is rather an extended statute. But it begins as follows (11 Stat., 52):

Ambassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, commissioners, *chargés d'affaires*, and secretaries of legation appointed to the countries hereinafter named in Schedule A shall be entitled to compensation for their services respectively at the rates per annum hereinafter specified. That is to say, ambassadors, envoys extraordinary, and ministers plenipotentiary, the full amount specified therefor in Schedule A—

And so forth.

The question of the powers of the President to make diplomatic and consular appointments was referred to Attorney General Cushing shortly before the enactment of this statute. Cushing rendered this opinion (reported in 4 Moore's Digest, sec. 632):

The President under the Constitution has power to appoint diplomatic agents of any rank at any place and at any time, subject to the constitutional limitations in respect to the Senate. The authority to make such appointments is not derived from and can not be limited by any act of Congress except in so far as appropriations of money are required to provide for the expenses of this branch of the public service. During the early administrations of the Government the appropriations made for the expenses of foreign intercourse were to be expended in the discretion of the President and from this general fund ministers whom the President saw fit to name were paid. Congress in any view can not require that the President shall make removals or reappointments or new appointments of public ministers at a particular time, nor that he shall appoint or maintain ministers of a prescribed rank at particular courts. It was therefore held that where the act of March 1, 1855 (10 Stat., 619), declared that from and after the end of the present fiscal year the President shall appoint envoys, etc., this was not to be construed to mean that the President was required to make any such appointments, but only to determine what should be the salaries of the officers in case they have been or shall be appointed.

In Volume II of the Federal Statutes Annotated, page 49, there is this comment upon the question now before the committee:

The President has power by the Constitution to appoint diplomatic agents for the United States at any rank at any place and at any time in his discretion, subject always to the constitutional conditions of relation to the Senate. The power to appoint diplomatic agents and to select for employment any one out of the varieties of the class according to his judgment of the public service is a constitutional function of the President not derived from nor limited by Congress but requiring only the ultimate concurrence of the Senate.

A citation in that statement refers to the opinion of the Attorney General from which I have already read. There is also

cited the opinion of the Attorney General in 1855 to the effect that—

Consuls are officers created by the Constitution and the laws of nations, not by acts of Congress, and it belongs exclusively to the President, by and with the advice and consent of the Senate, to appoint consular officers to such places as he and they deem to be meet.

So much for the principal authorities I find upon the constitutional and parliamentary question before the committee.

It appears that so far as the appointment of ministers is concerned the power of the President has always been recognized by Congress over those questions, and appropriations have always followed for the payment of the salaries of the men whom the President has sent forth as ministers.

I gathered from the comment of the Chair yesterday that possibly he was somewhat troubled by the fact that Congress had legislated upon this general question first in 1893 and again in 1909. The substance of the statute of 1893 was that whenever the President should find that a foreign country was sending a diplomatic representative to the United States the President might send to the foreign country from the United States a diplomatic representative of the same rank. My contention is, Mr. Chairman, that the statute had no effect whatever to limit the power of the President to send an ambassador or minister as he chose to any country, irrespective of the provisions of the act of Congress. The real effect of the act of Congress was twofold:

In the first place, it indicated the terms upon which the Senate and House of Representatives would be prepared to make a salary appropriation in case the appointment was made by the President. And, second, so far as the Senate was concerned, it indicated a willingness on the part of the Senate to confirm a proper appointee to a particular country which the President might choose to recognize by making the appointment. So far as the statute of 1909 was concerned, the effect was very similar. The statute of 1909 forbade, as far as Congress could forbid, the sending forth of an ambassador unless the specific authority of Congress had been given in each case. There again the President, in my opinion, could have sent forth a new ambassador the next day to a country, even though we had never before sent an ambassador to that country, and even though that country was not represented in Washington by an ambassador.

But the Congress by the statute of 1909 was suggesting that it was unlikely to appropriate a salary in such a case, and the Senate was suggesting that it was unlikely that such an appointment would be confirmed. In other words, the power of the President can not be curtailed, because that power flows directly from the Constitution. But Congress also has safeguards upon the exercise of the power. In effect, it can usually make the exercise of the power practically null and void, either by withholding the confirmation or by withholding the salary. And, I repeat, when Congress passed those two acts it was indicating its policy so far as the policy was one upon which legislation could take hold.

In my opinion, therefore, in so far as the point of order relates to the minister to the Serbs, Croats, and Slovenes, and in so far as it relates to the minister to Finland, it is clearly not valid. It should not, I think—

Mr. HUDDLESTON. Will the gentleman yield?

Mr. ROGERS. In just one minute. I want to finish this thought, and then I shall be glad to yield.

It should not be lost sight of that one way of recognizing a foreign power is by the act of sending a minister or ambassador. As a matter of practice and custom in our international relationship, that has been our usual way of recognizing a country for the first time, namely, by the act of sending forth a minister. So, it seems to me, that when the Chair is inclined to feel, as I suspect he is inclined to feel, that recognition is solely an Executive function with which Congress has no direct contact at all, the corollary follows that the usual manner of according recognition, namely, by sending forth an ambassador or minister, must also be within the constitutional power of the President, and therefore not subject to a point of order on an appropriation bill.

Now I yield to the gentleman from Alabama.

Mr. HUDDLESTON. The gentleman holds, as I understand it, that the President has constitutional authority to send a minister to any country?

Mr. ROGERS. Yes.

Mr. HUDDLESTON. Now, there is nothing in the Constitution which forbids the President sending more than one minister to the same country. Therefore, the President might send any number of ministers to the same country at the same time, and it seems to follow that Congress has authority to appro-

priate, we will say, for a dozen ministers to Finland at one time. Is not that a fact?

Mr. ROGERS. The gentleman from Pennsylvania [Mr. TEMPLE] reminds me that at one period during the war stress, beginning in 1914, we had several officials with the rank of ambassador or minister actually present in the city of Paris.

Mr. HUDDLESTON. May I call the gentleman's attention to the fact that there is no such office as ambassador or minister known to our law; that the offices that are known to our law, we will say for illustration, are ambassador to Great Britain or minister to Siam, or some other office of that kind.

The President has authority under the Constitution merely to fill the office when once it is created. If there is no office there can be no officer, and the official is merely the President's personal representative and has no official status so far as the laws of the United States are concerned. Let me suggest to the gentleman that this provision of the Constitution upon which he relies merely provides for a way of filling an office once the office is created. As applied to the Supreme Court of the United States, the President has authority to appoint judges. How many judges? Can the President appoint an unlimited number of judges and can Congress then assume that there is authority of law for those appointments and make appropriation to pay their salaries? Must not the number of judges, notwithstanding this clause of the Constitution, be fixed by the statutes of the United States so that they become judges of the United States, authorized by an act of Congress—a public office, a specific office, to which a man may be appointed?

Now, I call the gentleman's attention to the fact that there is no such office known as "minister to Finland," and that is the title of the officer that the President will appoint and for which we are seeking to make an appropriation.

Mr. ROGERS. I do not agree with the gentleman that the title of the officer is "minister to Finland." He is a minister and he is accredited to Finland. But the Constitution of the United States itself is the organic act that creates the office of ambassadors in general terms and creates the office of public ministers in general terms. The act of 1856, to which I have referred, also deals with ambassadors in general terms and envoys extraordinary and ministers plenipotentiary in general terms. There is no geographical description.

Then, the statute of 1856 establishes the salary schedule of the ambassadors and ministers who shall be appointed. In the first group are Great Britain and France, each \$17,500; Russia, Spain, Austria, Prussia, Brazil, Mexico, and China, each \$12,000; all other countries, each \$10,000. In other words, the act which I am now reciting is simply a salary act. It could not and did not purport in any way to limit the authority of the President.

Mr. HUDDLESTON. Let me ask the gentleman a question.

Mr. ROGERS. Yes.

Mr. HUDDLESTON. How many ambassadors does the Constitution authorize the President to appoint?

Mr. ROGERS. It does not fix the number.

Mr. HUDDLESTON. Any number he chooses?

Mr. ROGERS. Any number he chooses, provided in each case the appointee is confirmed by the Senate and appropriated for by Congress.

Mr. HUDDLESTON. The appropriation by Congress is not an act necessary to vest the official in his office. He might be an ambassador without an appropriation by Congress, might he not, and therefore the President could appoint to every country in the world, if the Constitution is his warrant, as many ambassadors as he chose?

Mr. MANN of Illinois. As a matter of fact, the President appointed a number of ambassadors, or whatever they may have been called, to agree upon a peace treaty, did he not?

Mr. ROGERS. He did.

Mr. MANN of Illinois. There was no limit to the number he might appoint?

Mr. HUDDLESTON. May I call the gentleman's attention to the fact that those persons were not ambassadors. They were personal representatives of the President.

Mr. MANN of Illinois. Oh, no. They were personal representatives of the President officially; not personally, but officially.

Mr. HUDDLESTON. Certainly they were representatives of the President and not of the Government of the United States. They were commissioners. The President might go himself, or he might send such agents as he chose. They are merely agents of the President in performing his constitutional functions in the negotiation of treaties. They are not ambassadors within the meaning of the section of the Constitution.

Mr. MANN of Illinois. It is within this section of the Constitution that the whole thing comes.

Mr. HUDDLESTON. That is under another clause, the making of treaties and the appointment of ambassadors. The gentleman will not say that the President's activities in Paris recently have been in the direction of appointing ambassadors.

Mr. MANN of Illinois. Under precisely the same power of the Constitution he does both.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] has the floor.

Mr. ROGERS. If the gentleman will permit me to complete this one thought, then I will yield the floor.

Mr. Chairman, I desire in conclusion to present the practical considerations which bear upon this subject. For a century and a quarter, ever since the United States was born as a Nation, we have followed in practice the policy which has been reflected in this paragraph of the appropriation bill. The President has recognized, and the Senate has confirmed, and the ambassador or minister has gone forth, and the Congress has appropriated without any prior authority being granted. The only exceptions to this general practice for over a century have been under the act of 1909, which in no way limited the authority or the power of the President, but simply indicated the viewpoint of the Congress as to the sort of case when it would think it proper to appropriate for an ambassadorial salary.

If the point of order should be sustained in this case, it would upset the precedents and policies of the United States in matters of foreign representation ever since the foundation of the Government. I think myself there is no question whatever of the fundamental soundness of the position which I am urging, aside from the precedents; but assuming that the Chair prefers to deal only with actual constitutional interpretation, practice, and authority, I want at this time to emphasize the fact that the doctrine of stare decisis, or something akin to it, would seem to have made this so universal and time-honored a practice that a departure from it, simply because a point of order was raised on an appropriation bill, would be highly dangerous and would seriously upset the entire international fabric of the United States.

Now I yield to the gentleman from Texas [Mr. BLANTON], who was on his feet.

Mr. SMALL. Mr. Chairman, I would like to submit an inquiry to the gentleman.

Mr. ROGERS. I will yield to the gentleman from North Carolina.

Mr. SMALL. Mr. Chairman, I think the gentleman's argument is conclusive, but I wish to make this inquiry: The gentleman's reference as to the countries concerned in the items to which the point of order was made was with respect to Finland and Serbia. Were there not items respecting other countries to which the point of order was made besides Finland and Serbia?

Mr. ROGERS. And Turkey.

Mr. SMALL. And there are now ministers serving under appointment of the President and confirmed by the Senate in those countries?

Mr. ROGERS. We have no minister or ambassador in Turkey. I was about to suggest to the Chair that I preferred, if the Chair would permit, to have a ruling made, first, by the Chair, on the general question presented by the points of order, because the point of order as to Turkey is unquestionably in a somewhat different position and requires, in my judgment, somewhat different treatment.

Mr. SMALL. It is differentiated simply in this respect, that no minister has yet been appointed to Turkey.

Mr. ROGERS. It is differentiated also by the fact that our last representative to Turkey was an ambassador, and that the Committee on Appropriations, in presenting this bill to the House, feeling that an ambassador was unnecessary and desiring to retrench expenses wherever possible, is recommending the appointment of a minister to Turkey. That is the principal respect in which the situation differs from that presented by the other two points of order.

Mr. SMALL. Even that difference does not affect the executive power of the President, as the gentleman has argued?

Mr. ROGERS. Not at all.

Mr. BEGG. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Ohio.

Mr. BEGG. I should like to ask the gentleman again if he was not of the opposite opinion from that at the last session when we legislated to raise the legation at Brussels to an embassy?

Mr. ROGERS. I will say to the gentleman that I had never examined in detail into the constitutional question until it came up in connection with the preliminary work on this bill. I am



not conscious that I have changed my mind. I have simply acquired an opinion.

Mr. BEGG. I see. But after all is said and done—and I do not find any serious fault with the reasoning of the gentleman, even though the President can appoint—does it not follow also that the House can veto the appointment by a refusal to make an appropriation?

Mr. ROGERS. Precisely. But this question is on a point of order and not on the merits of the paragraph.

Mr. BEGG. I am coming to that. If the gentleman accepts that statement, then does it not follow that the appropriation is legislation with regard to the establishment of that particular office?

Mr. ROGERS. Oh, not at all.

Mr. BEGG. The mere naming of the amount of dollars is net legislation, but it is establishing the office of an ambassador or a minister, and it seems to me it would bring your proposition clearly into the field of legislation.

Mr. ROGERS. There is always a square distinction between the creation of an office and the amount of an appropriation that may be made by Congress to pay the salary of that office.

Mr. BEGG. Will the gentleman permit a further question on that?

Mr. ROGERS. Yes.

Mr. BEGG. If the Chair holds that the gentleman is correct in his contention, and that without legislation you can change an ambassador to a minister or any kind of a representative the Government sees fit to send, where is your stability in your foreign policy? Supposing that this House becomes different in complexion from the administrative department of the Government and desires to upset everything, how does the executive office have any assurance or guaranty at all that a foreign policy can be carried out in any kind of decency if this thing is to be just subject to the whims of the House?

Mr. ROGERS. We can not raise a minister to be an ambassador against the point of order made. That very fact was determined yesterday when the committee recommended the promotion of the minister to China to be an ambassador and the Chair ruled it out on a point of order, which I conceded to be sound. But in this case, that of Turkey, we are proposing in this bill to reduce the embassy to Turkey to a legation to Turkey. My contention is, whether the Chair will sustain it or not, that that is a retrenchment and therefore within the Holman rule.

Mr. MONTAGUE. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. MONTAGUE. I wish to ask the gentleman from Massachusetts a question. I have listened to his argument with very great interest, and I desire to know whether I have correctly followed him. I understand him to take the position that the authorization which he invokes is not technically legislative but is the constitutional authorization, and therefore the highest order of authorization?

Mr. ROGERS. Precisely; exactly as this House has held time and again that a treaty obligation furnishes the authority for an appropriation on an appropriation bill, even against a point of order raised against it.

Mr. MONTAGUE. The authorization here is the constitutional authorization for the President to make these appointments.

Mr. ROGERS. The supreme law of the land is the legislative authority in this case, as I contend.

Mr. BLANTON. Mr. Chairman, I desire to discuss the point of order.

Mr. CONNALLY rose.

The CHAIRMAN. Does the gentleman from Texas desire to interrogate the gentleman from Massachusetts?

Mr. CONNALLY. I desire to address myself to the point of order.

The CHAIRMAN. The Chair will first recognize the gentleman from Texas [Mr. BLANTON].

Mr. MCCLINTIC. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. ROGERS. I ask the Chair to count.

The CHAIRMAN. The Chair has already ruled on that proposition.

Mr. ROGERS. I move that the committee do now rise, and on that motion I demand tellers.

The CHAIRMAN. The gentleman from Massachusetts asks for tellers on his motion that the committee do now rise.

Tellers were ordered; and the Chairman appointed Mr. ROGERS and Mr. MCCLINTIC.

The committee divided; and the tellers reported—ayes 1, noes 104.

The CHAIRMAN. On this motion the ayes are 1, the noes 104. A quorum is present. The motion that the committee rise is not agreed to. The gentleman from Texas [Mr. BLANTON] is recognized.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts in charge of the bill [Mr. ROGERS] admits that there is no statute authorizing any of the positions against which the point of order has been lodged. He contends, however, that the Constitution authorizes the President to create these positions, and that upon constitutional authority an appropriating committee has the power to report appropriations for salaries. I want to call the attention of the Chair to the only paragraph in the Constitution with respect to this subject. It says—

He shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for—

And here is the clause which the gentleman has overlooked, and which he has not mentioned or considered in his argument, and which is the controlling clause in the constitutional provision—

and which shall be established by law.

Mr. ROGERS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. ROGERS. I laid especial emphasis on that clause, and cited no less an authority than John Marshall to show what the antecedent of that clause is.

Mr. BLANTON. Yes.

Mr. ROGERS. I did not overlook it. I saw it and dealt with it.

Mr. BLANTON. Oh, yes; the gentleman saw it, but did not pay any attention to it. The gentleman started out his argument, and when he ended up he had completed the circle and was arguing in a circle, and because he did not consider that clause as binding upon the House I considered that he had paid no attention to it. I am paying attention to it, because I believe it is conclusive and because the Congress of the United States has acted upon it. The act of March 2, 1909, provides:

Hereafter no new ambassadorship shall be created unless the same shall be provided for by act of Congress.

I ask the gentleman the question now, Does he contend that since the act of March 2, 1909, the President of the United States has the right to raise a minister to an ambassador? Does he contend that?

Mr. ROGERS. That is precisely what I contend, although it is not involved in this point of order.

Mr. BLANTON. Then, if he contended that, why did he concede the point of order raised by the gentleman from Virginia [Mr. FLOOD] as to the ambassador to China?

Mr. ROGERS. Because the President has not raised the legation to China to be an embassy. If he had, the point of order would have been bad.

Mr. BLANTON. Here was the situation, Mr. Chairman: There had grown up a system of going beyond the statute law of the country, and the Congress passed this act, and I want to call the attention of the Chair to this fact, that since the passage of that act of March 2, 1909, there has not been a minister appointed to any country except by authority of an act of Congress.

Mr. ROGERS. The gentleman is speaking entirely regardless of the facts when he makes that statement; there have been dozens of ministers appointed.

Mr. BLANTON. What ministers?

Mr. ROGERS. I do not know that I can name them all, but there is the minister to Finland, the minister to Czechoslovakia, the minister to Poland, the minister to Yugoslavia, and the minister to the Serbs, Croats, and Slovenes.

Mr. BLANTON. I am not talking about unauthorized appointments. I am talking about the authorized appointments. What minister has a President raised to an ambassadorship except by act of Congress? The appropriating committees frequently carry legislative items in an appropriation bill for years and years, and no Member raises a point of order to them and they remain in the bill so long that some members of the Appropriations Committee imagine that it is law, just as there are numerous items in this bill to which I expect to raise a point of order, and I expect to convince the gentleman from Massachusetts, not by his own investigation of law books but by the decision of the Chair that is to follow, that there are various items in the bill that are legislation on an appropriation bill and have no proper place in this bill.

Mr. ROGERS. I admit it.

Mr. BLANTON. That admission is worth something. Now, Mr. Chairman, I want to call the Chair's attention to the fact

that if the President of the United States now has authority under the Constitution to appoint a minister to any foreign country this Congress did not recognize that right in 1913. If it did, it wasted its time by introducing a bill and having it considered by the committee and passing it through the House and the Senate and sending it to the President to be signed, whereby he was authorized to send an envoy extraordinary and minister plenipotentiary to Paraguay and Uruguay.

Why was it necessary, I ask the distinguished gentleman from Massachusetts, for Congress to waste its time in 1913 in giving the President authority if he already has it under the Constitution? That act nowhere describes any salary, because the statutory salary is fixed by law. It was a mere act of creating these offices. I want to call attention to the fact that on May 22, 1872, and on March 3, 1875, Congress passed other acts creating various other offices, for ministers to be sent to other countries, to wit, Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua. There are other acts providing for Haiti and Liberia.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question? Has there ever been any act expressly authorizing the appointment of a minister by the President?

Mr. BLANTON. Yes, Mr. Chairman, I have just cited several. For instance, the act of December 6, 1913, providing for the appointment of a minister to Paraguay and Uruguay, at a salary of \$10,000. That was four years after the passage of the act that I have previously spoken of.

Mr. TEMPLE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TEMPLE. That was an act, was it not, authorizing the appointment at a certain salary?

Mr. BLANTON. Since then, in 1915, there was an act providing for salaries to all minor offices, even the office of secretaries and assistant secretaries and for every minor office with respect to foreign offices.

Mr. BEE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BEE. I am asking the gentleman for information. The President of the United States is empowered to appoint ministers and ambassadors, and the President gives recognition to new countries. What is the procedure by which that matter is taken care of during the time that Congress is not in session?

Mr. BLANTON. I will answer my friend, and at the same time answer the point made by the gentleman from Massachusetts. The practice was for the President to recognize a certain country. They would send their representatives here to this country, and we would see to having an officer over there. Sometimes we would have a minister over there, and they would send us one that they called an ambassador. Under the old custom the President would immediately change the status of our minister over there to that of an ambassador. He would change an officer with a salary from \$10,000 or \$12,000 and make him an officer called an ambassador, drawing \$17,500. That practice was kept up until it was stopped by Congress by the act of 1909.

Mr. TEMPLE. I would be very much interested if the gentleman would name some instances when this occurred.

Mr. BLANTON. I will say that the chairman of the committee can give the gentleman such instances, because he is on the Foreign Relations Committee, and, if I am not mistaken, he mentioned some such cases yesterday.

Mr. ROGERS. I did not understand the precise inquiry.

Mr. BLANTON. I say that where we had a minister in a country drawing \$10,000 or \$12,000 a year and that country sent to us an officer that they call an ambassador the President under such circumstances would sometimes change our minister to an ambassador, and Congress put a stop to it.

Mr. ROGERS. That was done as the result—

Mr. TEMPLE. The gentleman does not understand my question. The assertion was made that Congress put a stop to a practice that Presidents had already been following.

Mr. ROGERS. Oh, no; we never had an ambassador to any country at any time prior to 1893. In other words, this was to enlarge the authority of the President, not to restrict it. The statute of 1893 enlarged the Executive function and did not limit it or restrict it in any way.

Mr. BEE. Mr. Chairman, I do not think I made myself clear. What I had in mind was this: Suppose the new Congress is not called in extra session and does not meet until December, and in the meantime the new Executive, under the authority of the Constitution, recognizes a new country. What becomes of the question of the minister to that new country pending this interval?

Mr. BLANTON. The gentleman from Massachusetts mentioned the act of 1893, when I referred to the act of 1909. The

minister is not an authorized minister under the law until the Congress authorizes his position by creating the office, in my judgment, answering my colleague from Texas.

Mr. BEE. In other words, Congress has to create the office, although we have recognized the country.

Mr. BLANTON. Certainly. The President can recognize their representative over here, but we do not have a representative over there until we create the office.

Mr. BEE. Then in order to avoid points of order made against these diplomatic bills must there be a specific act of Congress governing every detail of diplomatic intercourse between the United States and foreign countries?

Mr. BLANTON. All during the war, as stated yesterday, we had over here our ambassadors and ministers from countries with which we were engaged at war. They were drawing their salaries most of the time and performing no function except what labor they could perform around the Secretary of State's office.

Mr. BEE. They were not subject to criticism because of that fact.

Mr. BLANTON. Oh, no; but if Congress once creates an office—

Mr. BEE. In other words, the gentleman would not contend that if you have an ambassador to a foreign country and we become engaged in war with that country that we must, therefore, suspend the ambassador and turn him out to graze until we get on a peace basis.

Mr. FLOOD. Oh, the gentleman is mistaken, for that is just what did occur. The ambassadors did not stay here and draw their salaries. The ambassador to Germany went back to private life.

Mr. MADDEN. What about Mexico?

Mr. FLOOD. We were not at war with Mexico.

Mr. BLANTON. But during this time we did not recognize Mexico, but we had an ambassador here, and he was drawing \$17,500 salary during that interval.

Mr. FLOOD. The statement which I undertook to correct was that made by the gentleman from Texas that the ambassadors to these countries with which we are engaged at war came here when the war broke out and simply did work around the State Department and drew their salaries.

Mr. BLANTON. Did not some of them do that?

Mr. FLOOD. No.

Mr. BLANTON. How long was it before they were put out of office?

Mr. FLOOD. Very shortly.

Mr. BLANTON. Can the gentleman tell me when the ambassador to Germany was put out of office?

The CHAIRMAN. If gentlemen will permit, the Chair would suggest that he does not think this discussion will enlighten the Chair on the point of order.

Mr. BLANTON. Mr. Chairman, I am glad that once in a while I find myself in hearty accord with the gentleman from Alabama [Mr. HUDDLESTON]. I think his position has been soundly and clearly put before the Chair when he laid down the fundamental proposition that you can not have an office of this character until Congress creates it, simply because the Constitution provides that the President shall make appointments to such offices as Congress shall prescribe. That does not do away with the function of Congress; it does not give the President the absolute power and authority to create offices himself. It is the Congress, after all, with which the power is lodged, and it must be exercised by affirmative acts.

Mr. BEE. Mr. Chairman, will the gentleman yield again?

Mr. BLANTON. Yes.

Mr. BEE. The gentleman from Illinois [Mr. MADDEN] injected into this discussion the question of Mexico. The gentleman does not consider that there is any parallel between the situation as between Mexico and the United States and as between Germany and the United States, because in the case of Mexico we were not at war; it was the mere question of the failure of recognition.

Mr. BLANTON. Oh, yes; but the Chair has intimated that that will not throw any light on this subject.

Mr. BEE. I did not want the record to remain silent, in view of the suggestion of the gentleman from Illinois that Mexico was a parallel case to Germany.

Mr. BLANTON. I am sure that notwithstanding his denial, our good friend from Virginia, Mr. FLOOD, will admit that long after we entered the war with Germany, Austria, and Hungary, and since recognition was withdrawn from Mexico, our ambassadors continued to draw their salary of \$17,500 each, and did for quite a while. Could the gentleman tell us the date when they stopped?

Mr. FLOOD. No; I could not, but I think it was the day that his passports were handed in.



Mr. BEGG. Mr. Chairman, I desire to ask one or two questions of the gentleman from Massachusetts [Mr. ROGERS], the chairman of the committee. The first question I desire to ask is, Can a minister bind the United States officially and financially by his acts?

Mr. ROGERS. I should say clearly not.

Mr. BEGG. In other words, he can not officially bind the United States to anything.

Mr. ROGERS. Of course, a minister may be designated by the Executive to negotiate a treaty, and if the treaty is presented by the President to the Senate and confirmed and proclaimed, there may be there an ultimate recognition of obligation, but that is not the point in mind.

Mr. BEGG. That is not the point in mind. Is a minister to any country the official spokesman for his country in that other country, and are his acts binding on the country that he represents?

Mr. ROGERS. I should say that those are two questions. The answer to the first one is yes, and the answer to the second one is no. Leaving out of account such expenditures as rents and office supplies, and so on, which he is allotted by the Department of State—the gentleman does not mean that, I suppose?

Mr. BEGG. I am willing to bring it down for the purpose of the question, even to the allotment of rent, if the gentleman admits that.

Mr. ROGERS. I should say that if the Department of State allots to our ambassador to Rome, we will say, some \$2,000 for rent, the ambassador has a right to negotiate a lease which will bind the United States to pay that amount of rent.

Mr. BEGG. Very well. Then the next question I want to ask is this: Suppose that John Smith is appointed ambassador to Rome and is confirmed by the Senate, and that the House refuses to appropriate any money at all for his salary, can he then go over there and obligate the United States for rents?

Mr. ROGERS. Well, within the limitation that the amount must be allocated by the Department of State.

Mr. BEGG. I am granting there is allocated \$2,000.

Mr. MANN of Illinois. That is an appropriation already made.

Mr. ROGERS. That is an appropriation already made.

Mr. BEGG. The point I would like to have the gentleman's opinion on is, can such a man, simply because there was a refusal of appropriation for salary, go and spend that as an ambassador?

Mr. ROGERS. Well, on the terms I have suggested I think he can.

Mr. MANN of Illinois. He can spend his own money.

Mr. BEGG. I am talking about spending the Nation's money, not any individual's money.

Mr. ROGERS. As far as practical now the Department of State does not allow our representatives abroad to negotiate leases or other contracts in the name of the United States.

Mr. BEGG. Well, that is very true, but officially and actually they are the official representatives of the United States Government. I simply set up, Mr. Chairman, this proposition: If an ambassador fails to have an appropriation for his salary, that is sufficient notice that the House refuses to recognize him as an ambassador or minister.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. BEGG. In just a moment I will be glad to yield—and by such refusal they abrogate his appointment—

Mr. WINGO. Will the gentleman yield?

Mr. BEGG. Just as forcibly and just as surely as if the Senate should refuse to confirm the appointment.

Mr. WINGO. Will the gentleman yield for a question?

Mr. BEGG. Just one more sentence and then I will yield. In other words, I am not one who is willing to concede that the President of the United States can appoint an ambassador and minister where he will and when he wants to. [Applause.] He might just as well appoint an automobile inspector at \$10,000 a year, or a sheep inspector for any State in the Union, or an ambassador to any country that is not now entitled to one. There is certainly in the framing of the Constitution the intent if not the exact language that this body was to serve as a check on the other body's running wild, and there is not anybody who denies that, and yet that is the whole claim against the point of order. I am in entire sympathy with the desire of the legislation, but I am not in sympathy with the argument that is made—that the Constitution gives the President absolute right to do what he will. The mere enumeration of names does not give him authority to put an ambassador in Peru or in Mexico or China. I now yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Suppose the people when they came to adopt the Constitution should have decided that the

diplomatic affairs of their Nation was in the first instance to be vested in their President, that the selection of diplomatic representatives was to be vested in the President subject to the approval of the Senate. Why, then, does not the gentleman think as a general proposition the people acted fairly wisely, or, if they acted foolishly, the House can not now question the wisdom of their action?

Mr. BEGG. In reply to the gentleman, I am certainly of the opinion that the House has a perfect right to-day to put its construction upon any proposition in the Constitution, just the same right that they had immediately after it was adopted. There is not any more surrender of this privilege or right now than in 1790.

Mr. SUMNERS of Texas. Will the gentleman yield right there?

Mr. BEGG. I will be glad to yield.

Mr. SUMNERS of Texas. Does the gentleman mean by that statement that this body has the power to construe such power as it desires to the written Constitution, or that it must construe it as it is written?

Mr. BEGG. That is hardly on the point of order, but I will say in answer to the chairman that I have discovered in this bill that 75 per cent of it is the result of habit. It is not constitutional law and it is not constitutional, it is merely habit; and the argument is that the foreign relations must have elasticity about it, and that is exactly the excuse that has been offered for the filling up of this kind of a bill.

Mr. MONTAGUE. Mr. Chairman, a parliamentary inquiry.

Mr. BEGG. I do not care to yield. I want to make one more statement, and then I will yield the floor.

Mr. MONTAGUE. Mr. Chairman, I respectfully suggest that the gentlemen are not discussing at all the point of order.

Mr. BEGG. I acknowledge the correction without any question.

Mr. MONDELL. Mr. Chairman, the Chair has been very kind and considerate. The Chair has had this matter under consideration for some time, and I wondered whether or no the Chair was prepared to rule?

The CHAIRMAN. The Chair will rule when he thinks it is his duty to rule. [Applause.]

Mr. MASON. Mr. Chairman, I did not hear the remark of the Chair. I am a member of the committee and have been waiting for two days to be heard on this point of order. I desire to be heard for not over five minutes.

The CHAIRMAN. Has the gentleman from Ohio finished?

Mr. BEGG. I want simply to call the attention again to this proposition: If this body refused to appropriate a salary for any official, that official's appointment by the President has no weight or standing at law, and because of that fact the argument of the gentleman from Massachusetts [Mr. ROGERS], chairman of the committee, seems to me would not be sound in reference to the point of order.

The CHAIRMAN. As has been suggested, this debate has run for a long time, and the Chair wants to give it intelligent and careful consideration, but the Chair will ask gentlemen to be just as brief in the presentation of this case as they possibly can. The Chair recognizes the fact that there are some members of the committee who are entitled to consideration and recognition upon a very important point of order. The Chair merely requests the gentlemen to be just as brief as possible in their argument, because we have already consumed a very large amount of time.

Mr. CONNALLY. Mr. Chairman, I recognize the pertinency of the remarks of the Chair, and shall try to be brief in what I have to say upon the point of order. The point of order is that there is no authorization under the law permitting Congress to make an appropriation as set forth in this paragraph of the bill.

The Constitution has already been quoted to the Chair, and I shall not repeat it. But I do desire to call the attention of the Chair to the fact that the following language in the Constitution, "whose appointments are not herein otherwise provided for and which shall be established by law," refers to public officers not denominated specifically in the Constitution in that particular clause. That language refers to offices or positions other than those named in that section. In that section ambassadors and public ministers are named. So that the Constitution itself creates the offices of ambassador and public minister. It must be borne in mind that at the time the Constitution was adopted the functions of public ministers and ambassadors were well understood throughout the world, and it must be presumed that Congress when it adopted the language "ambassadors and public ministers" had in mind officials whose functions and duties were then understood among the laws of nations. Now, the point of order is that there is no statute law authorizing this expenditure. The Constitution is just as much

the law as a statute. A treaty is just as much the law of the land as a statute. If we had before us an item appropriating \$250,000, we will say, to pay the Republic of Panama an installment on the purchase of the Panama Canal site there would be no question in the Chair's mind that the treaty is an obligation of this Government and is a law of the land and that no statute would be necessary to authorize that expenditure. Under the Constitution the President has the absolute power to appoint ambassadors and ministers, or whatever you may desire to call them, to represent the Executive in negotiating with foreign Governments and transacting the business of this Government with foreign nations.

When a bill comes before the House carrying an appropriation a point of order is made that it is not authorized. Let us take, for instance, an appropriation to buy or to pay for a piece of property. The point of order is that nobody under the law outside of that carried in the appropriation bill would have power either to take charge of that material on behalf of the Government or to purchase it, and, of course, unless some statutory or constitutional authority warranting the purchase of such property exists the item goes out on a point of order. The point of order is made to an appropriation providing a salary for an office in one of the departments, and if it is shown that there is no statutory authority for that office it goes out, because there is no law authorizing anybody to employ or appoint such an officer.

But here we have the constitutional authority for the President to incur the services of a minister or other representative by sending that minister or representative to a foreign country. If he has any legal right to be there, if an ambassador or a minister has any legal right to be in a foreign capital and to represent the United States Government, then this Congress is authorized to appropriate money for those services. There is no question but that this matter has been treated by the Senate itself, which is always jealous of the executive power, as coming peculiarly within the function of the Executive. Some years ago in the Senate there was a discussion of this question, and Senator Spooner made the following observation. It is very brief, Mr. Chairman, and I want to read it. It may be persuasive, at least:

Mr. SPOONER. Could the framers of the Constitution any more clearly have made the President the sole organ of communication between this Government and foreign Governments than they did? Of course, the power to receive an ambassador or a foreign minister implies necessarily the power to determine whether the Government or country from which he comes is independent and entitled to send an ambassador or a minister. So the President is authorized to determine—

And this is the crux of the whole matter—

So the President is authorized to determine, and he must determine, when he sends an ambassador or a minister to some other country, whether that country is an independent country, a member of the family of nations, entitled to be represented by an ambassador or minister here and entitled to receive an accredited ambassador or minister from this country. When the ambassador or the minister has any communication to make in relation to foreign affairs, he does not make it to the Senate—

And so forth.

The view, Mr. Chairman, has been reflected in debate and discussion in the Senate during a long period of years, that it is the peculiar function of the President under the Constitution to determine when a country shall be recognized, when he shall send a minister or an ambassador, and when that question is determined he then, under the Constitution, has a constitutional right to appoint an ambassador or a minister to that country.

Mr. BLANTON. Will my colleague yield?

Mr. CONNALLY. In just a moment.

And deriving that authority from the Constitution itself, the highest authority, there only then remains the question whether Congress shall or shall not appropriate the money to provide a salary. Of course, Congress may withhold the appropriation for the salary, but the fact still remains that the diplomatic officer is a representative of this Government, holding his title under the Constitution; that he is authorized to act in diplomatic matters for this Government; and that the Congress possesses the most solemn authorization to appropriate the money to pay his salary as such an officer.

Mr. BLANTON. Now, will my colleague yield?

Mr. CONNALLY. I yield to the gentleman.

Mr. BLANTON. The eighteenth amendment to the Constitution prohibits the manufacture and sale of liquor within the borders of the United States. Does my colleague take the position that an appropriation committee could appropriate \$100,000,000 to enforce prohibition until the Volstead statute had been passed providing the machinery for carrying out the constitutional provision? It was the Volstead statute which gave authority to the appropriating committee to appropriate money to carry that constitutional provision into effect.

Mr. CONNALLY. The constitutional amendment, I will say to the gentleman, prohibited the importation and sale of liquor, but it carried no penalties and set up no machinery for enforcement. It was, therefore, not self-enacting.

Mr. HUSTED. The Constitution provides that Congress must legislate.

Mr. CONNALLY. Of course Congress had to legislate in order to make it effective. I am sure the gentleman from Texas would never have been content to have rested on the Constitution without the Volstead Act as a statute.

Mr. WINGO. And the eighteenth amendment does not authorize the President to appoint an enforcing officer.

Mr. CONNALLY. Of course that is correct, I will say to the gentleman from Arkansas.

Mr. MASON. The Constitution, as I think the gentleman has shown, provides the machinery. It does not need special legislation.

Mr. CONNALLY. The gentleman is quite correct. The Constitution recognizes and creates these offices and authorizes the President to fill these offices by making the appointments, and there is nothing else for Congress to do except either to appropriate or to withhold appropriations as it sees fit; but as to its authority to make them, there can be no question.

Mr. TEMPLE. Mr. Chairman, I think I can say all I wish to say in about three minutes.

The question pending, of course, is a point of order against a provision in an appropriation bill calling for appropriations to pay salaries of ministers to certain countries which recently came into existence as the result of the World War. The point is made that there is no statutory authority, no lawful authority for the appropriation. I think the gentleman from Texas [Mr. CONNALLY] and the chairman of the committee [Mr. ROGERS] have shown that the authority of the President in appointing diplomatic officers to represent the United States in these countries arises from the Constitution and is not dependent upon a specific statute. I do not wish to spend time upon that which has already been clearly established, but to call attention to another consideration which should not be lost sight of in deciding this point of order.

In the appointment of diplomatic representatives, as in the making of a treaty, the action of the President when confirmed by two-thirds of the Senate is final. If the treaty promises payment of money by the United States, the House may indeed have the right to refuse to appropriate money for that purpose, but no point of order would lie against the proposal to make the appropriation; the treaty is itself full authorization in law. In the cases we are now considering the President has exercised his constitutional authority by appointing diplomatic representatives to Poland, Czechoslovakia, and the Kingdom of the Serbs, Croats, and Slovenes, and their appointment has been confirmed by two-thirds of the Senate. This state of affairs is not new; a year ago this House made appropriation to pay the salaries for these officials. They are performing their duties and their salaries are being paid.

Their appointment by the President and confirmation by two-thirds of the Senate affords as full authority for the appropriation committee to provide for their salaries as would have been the case if the exchange of such diplomatic representatives had been provided by treaty between the United States and these countries. As a matter of fact, representation by diplomatic officers is reciprocal; we receive a representative from Poland and we send a diplomat of like rank to represent the United States in Poland. It is the usual thing that an understanding exists between the two Governments that such an exchange of representatives shall be made. Such an understanding or Executive agreement for an interchange of diplomatic representatives, when it has been confirmed by two-thirds of the Senate by consenting to the actual appointment, is certainly lawful authority for appropriating money to pay the salary of the officers so appointed.

Mr. MASON. Mr. Chairman, the Constitution, as suggested by my colleague on the Committee on Foreign Affairs [Mr. CONNALLY], absolutely provides the law and the machinery by which a minister or ambassador or other representative may be appointed. I just simply wish to suggest in support of the argument made by the chairman now in control of this bill, that when the President of the United States exercises his constitutional right to name a minister and the Senate approves the man, then the House is authorized to pass an appropriation, whether it has passed any specific legislation creating that office or not. That office was created by the Constitution itself.

Now, just one moment, and I shall conclude by calling attention to what seems to be an error on the part of gentlemen on both sides as to the right, the sole right, of the President to



initiate matters of recognition. I address myself to the Chair, who seemed to agree yesterday with the statement made by my friend from Massachusetts [Mr. ROGERS], who has this bill in charge, that the President has the sole right to initiate business relations or recognition of a foreign State. That was the contention of President Wilson in his lectures, and it has grown to be a habit, but it is not the law. Rawle, who is considered, I think, one of the sound writers on the Constitution, says that the right of recognition is greater in the legislative body than in the Executive, because the Executive has not the power to declare war and the legislative body has, and therefore the right of recognition of a new State, which may be a *casus belli*, is larger within the legislative body than in the Executive.

Daniel Webster, speaking on a resolution asking for appropriations to send representatives to Greece in 1823, nearly a hundred years ago, made an argument which, it seems to me, is conclusive—that the House must agree before there is a complete recognition. This is true. Mr. Clay offered, not a resolution but a direct appropriation for the appointment of a minister—that was in about 1819—to Buenos Aires; and, if his contention is correct—and I think it is—then the recognition of a State is a governmental function, and not solely an Executive function. It was claimed to be solely an Executive function by President Jackson on the recognition of Texas; but after the passage of resolutions by Congress President Jackson changed his mind, and recognized the Republic of Texas about 10 days before he went out of office.

What I want to get into the mind of the Chair in ruling is this, if I have made myself clear: That we do not need any legislation except the act of passing an appropriation; that the highest law of the land is the Constitution itself, which allows the President to name officers and create those officers by name, and the President and the Senate having agreed upon the officer, and the passage, then, of the resolution having been effected, it is not compelling; but, as my associate on the committee says and as Mr. Clay and Mr. Webster said, it is persuasive; it is a moral obligation upon this House, the same as if a treaty agreement had been negotiated by the President and ratified by the Senate. There would be a moral obligation, although not a conclusive obligation.

In this case, if the Chair please, I wish to enter my protest against what seems to be the conclusive agreement that the President alone had the power. At the time Mr. Webster and Mr. Clay offered their resolutions for appropriations, the argument was clear that the House on its own initiative can pass an appropriation for countries that never had been recognized; not that it is conclusive with the President, but that the power is with the legislative branch to initiate the proceeding.

The CHAIRMAN. The Chair is ready to rule.

The point of order made by the gentleman from Texas [Mr. BLANTON] is that there is no legislation authorizing an appropriation for the payment of the salary of an envoy extraordinary and minister plenipotentiary to Finland, to Turkey, and to the Kingdom of the Serbs, Croats, and Slovenes.

It is admitted, I think, by all that there is no statutory authority which authorizes these appropriations. It is contended, however, that there is constitutional authority, because the Constitution provides that the President may appoint envoys extraordinary and ministers plenipotentiary, and that having exercised that power of appointment, the superior law of the Constitution authorizes the House, without statutory authority, to make the appropriation.

The authority of the President with regard to diplomatic matters is exclusively committed to him and is not shared in any particular, except by the provision of the Constitution which says that with regard to treaties two-thirds of the Senate must concur and that with regard to diplomatic appointments they must be confirmed by the Senate.

Regarding the power of the President in relation to diplomatic matters the Chair desires to cite McClain's Constitutional Law in the United States, page 213, which states somewhat strongly, but perhaps with entire justification, the international law as well as the constitutional law of the country with regard to this exercise of power by the President:

Toward foreign powers—

He says—

the United States collectively constitute one single power, represented by the Federal Government, and the relations between that Government and foreign Governments are through the executive department and in the name of the President as Chief Executive.

Congress can not deal with foreign powers, and the courts can only take cognizance of their existence and rights by recognizing, interpreting, and applying the action of the executive department, evidenced by treaties or otherwise. The action of the executive department in determining in a controversy with a foreign Government whether certain territory is territory of the United States can not be interfered with by the courts. (See *Jones v. United States*.) So also it is for the executive department to determine whether this Government will

recognize as an independent sovereign power a foreign State claiming such recognition. In short, the entire diplomatic relations between this and other countries are under the control of the Executive; and the action of the Executive in such matters is binding upon Congress, the courts, and all Federal and State officers.

The gentleman from Illinois [Mr. MASON] says that Congress has passed resolutions which in effect recognized foreign Governments. The Supreme Court of the United States has said that the President has the sole power of recognition. However, there is no real difference between them, because, after all, if the President shall appoint an ambassador or a minister, and Congress shall refuse to appropriate for him, there can be no exercise of the power of the President. He has done his duty. Congress perhaps have done theirs, but they negative each other in practical effect. And so it is with regard to recognition by Congress. Congress may pass an act recognizing any country struggling for independence; and I will say that Congress might even go further and authorize the appointment of an ambassador or a minister and make an appropriation for that purpose. All these things might be done, but if the President did not appoint the ambassador or the minister, diplomatic relations between those countries could not exist.

Of course, in these cases it is possible for the President, under the constitutional authority, to appoint an ambassador, or a minister, if he chooses to do so. He should know, however, that Congress will sanction his action in the appointment by appropriating for its support before it can be effective.

Congress in 1809 passed an act to the effect that the President should not appoint ambassadors except upon the authority of Congress. That had no effect upon the constitutional power of the President. He could make such appointments nevertheless, but it did have the practical effect of serving notice upon the President that thereafter he must not make ambassadorial appointments except upon the authority of the Congress of the United States. So that the practical effect of that legislation was what I have stated, although it might be considered that that act was absolutely unconstitutional, because it encroached upon the prerogatives of the President of the United States. Now, in this case, coming down to the practical application of these principles, let us see how it leaves us with regard to Turkey. There is statutory authority for the appointment of an ambassador to Turkey. There is, however, no statutory authority for the appointment of a minister to Turkey. In the past there have been appointments of ambassadors to Turkey who have served, but at this time there is not only no ambassador appointed, there has been no minister appointed, and no diplomatic relations whatever exist between the two countries. It can not be said that the appointment of a minister would rest upon the statutory authority to appoint an ambassador. Neither can it be said that it rests upon the President's act in appointing a minister, because he has not appointed a minister; so that it seems to the Chair that with regard to this particular item the point of order made by the gentleman from Texas is good, and the Chair sustains it.

With regard to the other propositions, however, the Chair is of the opinion that there is ample constitutional authority for the power which has been exercised by the President both in the case of Finland and in the case of the appointment to the Kingdom of the Serbs, Croats, and Slovenes. In these cases the President has made the appointments, and both of these appointments have been confirmed by the Senate. So it would seem to the Chair that there is ample authority in law for the Congress, if it desires to do so, to appropriate for the payment of their salaries.

Therefore the point of order raised by the gentleman from Texas with regard to these two items in the bill as to those two countries is overruled. [Applause.]

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 2, line 10, after the word "Bulgaria," insert "Czechoslovakia."

Mr. ROGERS. Mr. Chairman, I will simply say that this puts where it is authorized, under the decision of the Chair, the salary of a minister to Czechoslovakia, which was stricken out because it appeared in the \$12,000 paragraph yesterday afternoon.

Mr. WINGO. Mr. Chairman, as the present occupant of the Chair knows, I have great respect for his ability and knowledge of parliamentary law, but I feel constrained to say that the decision that the jurisdiction and authority of the Congress to appropriate the public revenues depends in any case upon an act of an executive officer, and not upon the law, is not sound in my judgment, and against such a decision I respectfully, yet earnestly, enter a protest. I think the jurisdiction of Congress to appropriate rests on law, either statutory or constitutional, and

no President can by an act of either omission or commission rob this House of that jurisdiction.

Mr. TEMPLE. Will the gentleman yield? The gentleman would also include a treaty?

Mr. WINGO. Oh, yes.

Mr. TEMPLE. Is not the agreement executed between the United States and Czechoslovakia concerning the exchange of ministers, which has been confirmed by two-thirds of the Senate, an agreement in the nature of a treaty?

Mr. WINGO. Yes; and treaties are the supreme law of the land; and following from that is the constitutional power of Congress to make appropriations incidental to them.

Mr. TEMPLE. And the facts in this case are as described?

Mr. WINGO. Yes; I say that with great respect to the judgment of the Chair, and only because the decision undertakes to fix the appropriating jurisdiction of Congress by an act of the Executive, and not by constitutional or prior statutory authorization.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

On page 2, line 13, after the word "Paraguay" insert the word "Poland."

Mr. ROGERS. This is exactly the same as the prior amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

On page 12, line 16, at the end of the line insert a new paragraph as follows:  
"For ambassador extraordinary and plenipotentiary to Turkey, \$10,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Massachusetts is not germane to the immediate preceding paragraph. That is the rule that has been upheld until the other day—in one instance it was overruled—almost without any contest for 40 years, since it was first decided by Speaker Carlisle. It has been upheld by the Committee of the Whole House uniformly. In only one instance, and that was the other day, has it ever been questioned.

The chairman of the Appropriations Committee has no more authority than any other Member of the House to offer an amendment from the floor that is not germane to the immediate preceding paragraph. Now, if the gentleman from Massachusetts had offered this amendment to the first paragraph on page 2, it would have been germane, but the first paragraph on page 2 has been passed, and the second has been read and passed, and the third paragraph, which has nothing to do with an ambassador, and neither has the second, immediately preceding, anything to do with an ambassador. I make the point that it is not germane to the present paragraph or to the immediate preceding paragraph.

Mr. ROGERS. Mr. Chairman, I shall take but little time in this connection. I want to call the attention of the Chairman to the analogy of the situation with reference to China yesterday. China was recommended for an ambassador, at \$17,500. The point of order was made and sustained. The chairman of the committee in charge of the bill was immediately enabled to offer an amendment, which was held in order and carried, taking care of China, in the second paragraph.

It seems scarcely logical or sensible that this case, which presents the reverse order, merely should prevent caring for Turkey in the manner in which I speak of it, as she ought to be cared for, simply because of the order of the items on the appropriation bill.

This entire page is entitled "Salaries of ambassadors and ministers," and in line 23 it carries a single total of all items printed on the page. It seems to me that the salaries should be treated as a separate category, entitled to separate treatment and separate paragraph, because it is the only place in the bill where an ambassador is given a salary of less than \$17,500.

Mr. BRITTEN. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BRITTEN. Is not his amendment in the nature of a sequence to the entire paragraph?

Mr. BLANTON. Mr. Chairman, I make this suggestion: That the point of order is made to the amendment that the amendment is not germane to the paragraph. The Chairman has no more authority than anybody else; that it has been upheld by such distinguished Chairmen as the gentleman from Tennessee

[Mr. GARRETT] and the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Connecticut [Mr. TILSON], and I submit that there are three no better parliamentarians in this House. I submit to the Chair that the Chair ought not to carelessly decide a question of this kind on expediency.

Mr. MANN of Illinois. Mr. Chairman, if this amendment had been offered on page 29 it probably would not have been in order, because it would not have been germane to that portion of the bill. The only question here is whether it is germane to this part of the bill.

It could not have been offered as an amendment to the first paragraph on this page by merely an insertion of the word "Turkey," because it is not at the salary carried in the first paragraph of the bill. It might have been offered between the first two paragraphs of the bill. Then the question would come whether you would grade the paragraphs in the bill by the name or by the salary. It is not essential to follow the form of the bill and arrange these names alphabetically. That is the common practice, probably desirable, but not at all essential. This paragraph comes in at the place following the \$10,000 salaries, and it is certainly germane to that particular place in the bill. It is certainly germane to any place under the item providing for salaries of ambassadors and ministers.

The CHAIRMAN. The point of order made by the gentleman from Texas [Mr. BLANTON], as he states it himself, regards the amendment as an amendment to the paragraph. The gentleman from Massachusetts [Mr. ROGERS] offers his amendment in a separate paragraph.

Mr. BLANTON. But, Mr. Chairman—

The CHAIRMAN. The Chair does not desire any further enlightenment, and he is not passing upon the question carelessly. The Chair is giving full consideration to the argument of the gentleman from Texas. The only question, as suggested by the gentleman from Illinois [Mr. MANN], is as to whether or not it is properly within this branch of the bill. Is it within this title of "Salaries of ambassadors and ministers"? Of course it is. The ambassador paragraph already passed was not necessarily exclusive. It was perfectly proper that an amendment should have been offered to that, or it is proper to offer it as a separate paragraph, because of the fact that in the prior paragraph the salary is fixed at \$17,500 for all of the countries therein enumerated. In this case provision is made for an ambassador, but the salary is limited to \$10,000. Therefore, the point of order made by the gentleman from Texas is not sustained.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Do I understand the Chair is to rule that an amendment following a certain paragraph which is offered from the floor as a separate paragraph is not a part of the paragraph immediately preceding it, is not an amendment to the paragraph immediately preceding it?

The CHAIRMAN. A separate paragraph is certainly not a part of the paragraph that precedes it.

Mr. BLANTON. I just wanted to call the attention of the Chair to the numerous unbroken decisions of the committee to the opposite effect, that any amendment, even though offered as a separate paragraph, is yet an amendment to the preceding paragraph.

Mr. MANN of Illinois. Mr. Chairman, I have been in the House a long time, and this is the first time that I ever heard that doctrine announced.

Mr. BLANTON. Oh, I can show the gentleman numerous decisions.

The CHAIRMAN. The Chair does not desire to hear any further argument. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

Minister resident and consul general to Liberia, \$5,000.

Mr. MASON rose.

Mr. BLANTON. Mr. Chairman, I make the point of order to the paragraph.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MASON. Just one moment. I have an amendment which I desire to offer.

Mr. BLANTON. The point of order would precede the amendment.

Mr. MASON. But I have an amendment which had not yet been announced by the Clerk, and I make the point that the Clerk is now reading beyond the sixteenth line. I gave notice that I wanted to offer an amendment in the fourteenth line. I move to insert, after the word "Switzerland"—



The CHAIRMAN. The Chair would state that the committee has already passed that.

Mr. MASON. I addressed the Chair. I am a member of the committee, and was waiting for the chairman of the committee to finish his amendments.

The CHAIRMAN. Was the gentleman asking for recognition after we had passed line 16?

Mr. MASON. Yes; I rose and asked the attention of the Chair.

The CHAIRMAN. Before the seventeenth line was read?

Mr. MASON. Before the seventeenth line was started. I was addressing the Chair at that time.

The CHAIRMAN. If that is the case, the Chair, of course, would be glad to recognize the gentleman.

Mr. MASON. I offer to amend, in line 14, page 2, after the word "Switzerland," by inserting the words "the Republic of Ireland."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 14, after the word "Switzerland," insert the words "the Republic of Ireland."

Mr. BLANTON. Mr. Chairman, I make the point of order on that.

Mr. ROGERS. I make the point of order on the amendment.

Mr. MASON. Mr. Chairman, just give me one minute.

Mr. CONNALLY. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to speak for five minutes.

Mr. WINGO. What is the point of order?

Mr. ROGERS. I am willing to reserve the point of order for five minutes.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. ROGERS. The point of order is that there is no authority of law for the item and no Executive recognition.

Mr. MASON. Mr. Chairman, I shall not take over two or three minutes. I realize that if the ruling is still to be held that the Congress of the United States has no power to make an appropriation preceding Executive action, that point of order must be sustained; but I desire to call the attention of the Chair, without reading at length, to the argument of Henry Clay, who offered to make the appropriation upon the ground that the initiation of the recognition as a new State might be by the legislative branch or by the executive branch.

He offered a direct appropriation—such as I have offered here—for Buenos Aires. It was the same argument made by Mr. Webster in his effort to pass an appropriation in advance; and without reading their arguments, which I have here, it was, in substance, this: It is true that the President has the power to initiate by appointment. As he relies upon the House and upon the Congress to pass an appropriation, it is equally just and true that the House may initiate this proceeding by making an appropriation. That was the plan followed before the recognition of the Republic of Texas. The Congress was in favor of recognizing Texas. Andrew Jackson was opposed to it, and there never was an appointment made by the President until after Congress had acted. President Jackson received the first minister from Texas, a man named Alcaze Le Blanc, 10 days before he went out of office after Congress had passed an appropriation for the recognition.

Mr. CONNALLY. Will the gentleman yield?

Mr. MASON. I will.

Mr. CONNALLY. This appropriation will not become effective until the 1st of next July. Has the gentleman the assurance of the incoming President that Ireland will be recognized in case we adopt this? [Applause.]

Mr. MASON. I have no assurance except that which God Almighty gave me, and it has gotten me into much trouble from time to time. [Laughter.] But never the gentleman from Texas. I have hopes, but I do not know this, that the present Executive is not inclined to assist in the recognition of the Republic of Ireland. I believe they have a de facto government. They are assuming and performing governmental functions. The Government of Great Britain has lost sovereignty over the people of Ireland. It is conceded they have lost sovereignty. The Government of Great Britain has adopted there the policy of retaliation and reprisal, just as the Spaniards did in Cuba, which is conclusive evidence that they have lost sovereignty. When they can not punish or find men they charge with being guilty, they burn homes and slaughter innocent people in reprisal for the conduct of men they can not find. It is just the same as the British Government did when they burned this Capitol here; because some Irish Yankee or Yankee Irishman shot a musket and killed an Englishman's horse, they burned this Capitol upon the theory of reprisal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MASON. Now, I think, Mr. Chairman, that this Congress is the body to make this appropriation. There is a question, of course, of policy, if the Congress is opposed to it, but I do not think it ought to go out on a point of order.

The CHAIRMAN. Does the gentleman from Massachusetts desire to make the point of order?

Mr. ROGERS. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. Let the Chair say to the gentleman from Illinois that it would be, in the judgment of the Chair, proper for the Congress to consider a resolution recognizing the independence of Ireland or any other country. We are proceeding now, however, in the consideration of an appropriation bill which precludes the adoption of any amendment which is not authorized by existing law, and as there is no existing law that will allow this appropriation and as the President of the United States has not so far seen fit to recognize the Republic of Ireland, there would be no authority either by statute or under the Constitution for this appropriation. The Clerk will read.

The Clerk read as follows:

Agent and consul general at Cairo, \$7,500.

Mr. BLANTON. Mr. Chairman, I made a point of order to line 18, agent and consul general at Tangier, \$7,500. Before the gentleman made his amendment to the preceding paragraph I made the point of order to it, and the Clerk has not again read it.

The CHAIRMAN. What is the point of order?

Mr. BLANTON. I make the point of order that there is no authorization of law for a consul general at Tangier with a salary of \$7,500, that the President has made no such appointment, and therefore no such appointment has been confirmed by the Senate of the United States.

Mr. ROGERS. Mr. Chairman, section 1674 of the Revised Statutes enumerates the various officers in the foreign service who shall have the title of "agent" and provides that the title of "agent" shall be deemed a diplomatic office. Therefore, in view of the enumeration of section 1674, we have the right to send such a diplomatic officer to Tangier. As such agent, he exercises diplomatic functions. This particular officer also performs consular functions. While he is a diplomatic officer, in order to make clear the duplex nature of his duties he is called agent and consul general. The bill carries a salary of \$7,500, and that salary is given to him on the theory that for salary purposes he is a consular officer.

Taking the Revised Statutes, 1674, in conjunction with the act of February 5, 1915, I submit that this item is in order.

Mr. CONNALLY. Will the gentleman from Massachusetts yield?

Mr. ROGERS. Yes.

Mr. CONNALLY. Why is this proposition not in order on the ground that the President can appoint consuls? The Chair has already ruled that there was constitutional authority for the President to appoint ambassadors, ministers, and consuls, and this officer is a consul general, and certainly comes within the term of "consul." But, independent of the statute, the President has authority to appoint him, and if the President has that authority the Congress has authority to appropriate money.

Mr. ROGERS. I think that is true.

The CHAIRMAN. As a matter of fact, does the appointment remain?

Mr. BLANTON. That is the trouble, Mr. Chairman.

Mr. ROGERS. Mr. Chairman, the consul general at Tangier, who was appointed in 1915, is Maxwell Blake.

Mr. BLANTON. And he is the gentleman that would draw a salary of \$3,600.

Mr. ROGERS. So far as I know, there is no provision for the agent to draw a salary of \$3,600. He is carried in the United States Consular Handbook as consul general.

Mr. BLANTON. That is a recent thing, without authority of law.

Mr. ROGERS. The handbook is dated September 1, 1920. The gentleman does not criticize it, does he, because it is so recent?

Mr. WINGO. Mr. Chairman, I think the point of order is not well taken, for the reason that the Constitution authorizes the appointment by the President of ambassadors, ministers, and consuls, and that provision of the Constitution constitutes the authority of law under which Congress appropriates or makes available the money to pay the salaries of the men appointed. That is the only authority the Congress has, with the exception, of course, that the appointment has to be confirmed by the Senate. Congress exercises this sole power of making available specific sums to pay the salary in a specific instance, not by authority of a prior legislative act nor by reason of action of

the President, nor failure of action by him, but solely and alone by the implied authority found in the constitutional provision referred to. Even if Congress has by law provided for an agent, that law did not contravene the power of the President to appoint a consul at Tangier, nor did such an act take away the permanent implied constitutional powers of Congress to make available a specific sum to cover the salary of a consul already or hereafter appointed. No limitation or provision is in the Constitution fixing the salary. Congress, by implication, of course, can not only make the funds available but fix the amount to be used in payment of the salary of the men appointed to each office.

The CHAIRMAN. The point of order is not sustained.

Mr. BLANTON. Mr. Chairman, I submit the Senate has not received any notification whatever of this office.

The Clerk read as follows:

SALARIES OF SECRETARIES IN THE DIPLOMATIC SERVICE.

For salaries of secretaries in the Diplomatic Service, as provided in the act of February 5, 1915, entitled "An act for the improvement of the foreign service," as amended by the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, approved July 1, 1916, and the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920, \$354,000.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph for the following reason: The only statute authorizing these salaries is the act of February 5, 1915. These other acts cited in the paragraph are merely appropriation bills, passed from time to time by the House. And in the act of February 5, 1915, the salaries authorized to be carried by that act total only \$186,000. Now, as against that the committee has authorized the appropriation of \$354,000, and I submit, Mr. Chairman, there is no authority of law for it.

Mr. ROGERS. Mr. Chairman—

The CHAIRMAN. The point of order is not sustained. The Chair would suggest to the gentleman that he might reduce the amount by amendment.

Mr. BLANTON. I submit that these are statutory positions, Mr. Chairman, and that the committee has no authority for inserting this increase from \$186,000 to \$354,000.

Mr. HICKS. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Japanese secretary of embassy to Japan, \$5,500.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no such position authorized by law, and the reason I make it is that the only provision ever carried was \$3,600. Since the committee has raised it to \$5,500, I make the point of order against it. It is not authorized by law.

The CHAIRMAN. The point of order is not sustained.

Mr. BEGG. Mr. Chairman, I offer an amendment. On page 3, line 10, I move to strike out "\$5,500" and substitute "\$3,600."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 3, line 10, strike out "\$5,500" and insert in lieu thereof "\$3,600."

Mr. ROGERS. Mr. Chairman, just one word on that amendment, because I regard this particular office as the most important, bar none, in the entire bill.

The office of Japanese secretary and the subsequent office of Chinese secretary are two positions upon which the course of history may depend. We absolutely need the best men in those countries, American citizens who shall protect our interests, that can be found anywhere. It takes about 10 or 12 years for men to begin to undertake the duty of Chinese secretary or of Japanese secretary. The ambassadors and ministers in China and Japan, in my judgment, do not begin to exercise as important functions as do these two men. We can not get men at \$3,600 in these days that will do the job right, and with the greatest reluctance, and only because of the tremendous weight of the testimony, did the committee recommend the increase of these two salaries to \$5,500 each.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Turkish secretary of legation to Turkey, \$3,600.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph because of the fact that it is directly contrary to the provision of law.

I am sure that the Chair is conscientious in his rulings, and I want to call his attention to the law. We have a statute fixing all of these salaries, the act of 1915, and I want the Chair

to look over these secretaries' offices where the salaries are fixed. I submit it to the Chair. I am not making these points of order frivolously. I am making them in the conscientious belief that the committee has overridden its power and authority as an appropriating committee; that it had no right to change the legislation of this House. I hope that the Chair will give careful consideration to the point that I make. The law provides that this salary shall not be over \$3,000. The act of 1915 makes a limit of \$3,000 on this salary. It is a statute passed by this House. It is a statutory salary, and I submit that the committee had no authority to raise it \$600.

The CHAIRMAN. What does the gentleman from Massachusetts say?

Mr. ROGERS. Mr. Chairman, so far as I know, there is no statutory provision for these salaries.

The CHAIRMAN. That is all that is necessary. The point of order is not sustained. The Clerk will read.

The Clerk read as follows:

Chinese secretary of embassy to China, \$5,500.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph that the paragraph provides for a salary of \$5,500, when the substantive law of the land provides for a salary of only \$3,000. Heretofore this salary was carried at \$3,600 and has been raised from \$3,600 to \$5,500.

The CHAIRMAN. What does the gentleman from Massachusetts say?

Mr. ROGERS. It is in precisely the same situation as the other.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] realizes, I presume, that a provision of the current law—that is, the amount of the appropriation made in the preceding year—is not a statutory provision limiting the amount of the appropriation.

Mr. BEGG. Mr. Chairman, will the Chair permit a word?

The CHAIRMAN. Yes.

Mr. BEGG. There is no embassy at China. How can you have a secretary to an embassy there when there is no embassy?

Mr. ROGERS. Mr. Chairman, I was about to ask unanimous consent that in various places on this page, and also on pages 4, 5, and 6, the Clerk be authorized to change the word "embassy" back to the word "legation" wherever it appears in connection with China, and to change the word "legation" back to the word "embassy" wherever it occurs in connection with Turkey. There are perhaps 18 or 20 such places, and it is simply necessary to save time in changing each one, because of the ruling in connection with the items on the first page of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chinese assistant secretary of embassy to China, to be appointed from the corps of student interpreters, \$4,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no law authorizing a Chinese assistant secretary of embassy to China, to be appointed from the corps of student interpreters, at a salary of \$4,000, because there is no law authorizing a corps of student interpreters.

The CHAIRMAN. What has the gentleman from Massachusetts to say?

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I shall be glad to yield to the gentleman from Virginia.

Mr. FLOOD. There is no law authorizing such an appointment as that. The law that the gentleman from Texas [Mr. BLANTON] referred to is a law that classified the secretaries at embassies and legations. This is a peculiar kind of secretary. It does not come under the secretaries of class 1, 2, 3, or 4. We have four classes, I believe.

This is a secretary who speaks the Chinese language, a secretary not authorized by law, who never has been authorized by law, and has only been carried in appropriation bills.

The CHAIRMAN. If that is the case, the point of order made by the gentleman from Texas [Mr. BLANTON] is good.

Mr. FLOOD. That is the case. That is the fact.

Mr. ROGERS. Mr. Chairman, I should like to discuss the point of order. I am entirely convinced that the prior ruling of the Chair was right. Under the general constitutional obligations of the President, and under the organic act of the State Department which I read into the Record yesterday, it is the function of the President and of the Department of State to carry on intercourse and establish relationships with the nations



of the world. In pursuance of that duty the President of the United States has for many years sent a minister to China, a minister or ambassador to Japan, and a minister or ambassador to Turkey. That duty, and the sending forth of the officials in pursuance of that duty, necessarily carry with them the obligation to perform adequately and efficiently such functions as are usually performed by our foreign representatives. It is a matter of common knowledge, almost a matter of good sense, I should say—

The CHAIRMAN. Will the gentleman permit the Chair to ask him this question: While it might be true and probably would be true that the argument of the gentleman that this is based upon the constitutional right and might authorize the appointment of an assistant secretary, does the gentleman from Massachusetts contend that the constitutional right would also go to the extent of declaring that such assistant secretary should be appointed from the corps of student interpreters? It seems to the Chair that this is very like legislation.

Mr. ROGERS. So far as the clause relating to the appointment from the corps of student interpreters is concerned it is a limitation, and simply restricts the class of persons from whom the appointment can be made. The corps of student interpreters, of course, may also be questioned in the same way as to their validity under existing law. I should answer that question just as I am attempting to answer the present parliamentary objection, that in order to perform adequately our functions in such countries as China, Japan, and Turkey it is necessary to have expert linguists who can speak those languages. I think the Chair would admit that without express sanction of law our ambassador could utilize the cables in order to communicate with his Government. It is one of the implied functions that is involved in the performance of the duties of our representatives overseas. I had assumed that the appointment of linguistic experts, the appointment of student interpreters, would be conceived by the Chair to be of precisely the same general character.

Mr. BLANTON. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BLANTON. Does not the gentleman remember that all of these items were held out of order, and that the points of order were sustained last year, and the Senate put these items back into the bill after it got to the Senate?

Mr. ROGERS. The gentleman is mistaken about the second half of his statement.

Mr. BLANTON. About the student interpreters?

Mr. ROGERS. Let me answer the gentleman's question, please. The gentleman is mistaken about the second half of his statement, because, while these items were ruled out of order, they were put back again under a rule brought in by the Committee on Rules the next morning.

Mr. BLANTON. But they were held out of order.

Mr. ROGERS. Yes; but there was no argument on the point of order. The point of order, as I remember, was conceded.

Mr. BLANTON. And I cite the decision in the last House.

Mr. ROGERS. I assert that under the doctrine of implied authority, it is merely a matter of good sense that in those remote countries we must have people who can talk the language for us.

Mr. BEGG. I merely want to ask the gentleman if, under the doctrine of implied authority, he is perfectly willing to grant to the ambassador or to the Secretary of State permission to go as far as he likes with no check on his action?

Mr. ROGERS. The Department of State is always limited by the amount of money that Congress appropriates in this very bill. Congress does not lose control. The question here at issue simply involves a point of order on an appropriation bill. It has nothing to do with the powers of Congress or the rights of the Executive.

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained.

Mr. McCLINTIC. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of no quorum.

Mr. WALSH. The gentleman from Oklahoma has not made the point of no quorum.

Mr. McCLINTIC. I have.

Mr. WALSH. If I heard the gentleman's language correctly, he did not.

Mr. McCLINTIC. I will leave it to the Chair.

The CHAIRMAN. The Chair does not know—

Mr. McCLINTIC. Well, Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point that no quorum is present. The Chair will count. [After counting.] Seventy-two Members present; not a quorum,

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise, and upon that I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. ROGERS and Mr. McCLINTIC.

The committee divided; and the tellers reported that there were 8 in the affirmative and 74 in the negative.

The CHAIRMAN. The tellers report that there are 8 ayes and 74 noes. Not a quorum. The doors will be closed, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Ferris	Kincheloe	Rodenberg
Anthony	Fish	Kinkaid	Romjue
Aswell	Frear	Kitchin	Rowan
Ayres	Freeman	Kreider	Rubey
Babka	Gallagher	Langley	Rucker
Baer	Gallivan	Lankford	Sabath
Bankhead	Gandy	Lee, Ga.	Sanders, Ind.
Barbour	Ganly	Linthicum	Sanders, La.
Benson	Gard	Little	Sanders, N. Y.
Blackmon	Godwin, N. C.	Loneragan	Sanford
Bland, Mo.	Goldfogie	McCulloch	Scully
Bowers	Good	McGlennon	Sears
Britten	Goodall	McKenzie	Sells
Browne	Goodwin, Ark.	McKinley	Sherwood
Brumbaugh	Goodykoontz	McKinley	Siegel
Butler	Gould	McLane	Sims
Byrnes, S. C.	Graham, Ill.	McPherson	Sinnott
Caldwell	Graham, Pa.	MacGregor	Sisson
Cannon	Griest	Maher	Slomp
Carew	Hamill	Major	Smith, Idaho
Casey	Hamilton	Mann, S. C.	Smith, Mich.
Clark, Fla.	Harrell	Martin	Smith, N. Y.
Clark, Mo.	Harrison	Mead	Snell
Classon	Haugen	Milligan	Snyder
Cooper	Hays	Montague	Steele
Copley	Hersey	Moon	Stephens, Miss.
Costello	Hersman	Mooney	Sullivan
Crago	Hill	Moore, Va.	Swope
Crowther	Holland	Morin	Tague
Cullen	Hullings	Mudd	Taylor, Colo.
Currie, Mich.	Hull, Iowa	Murphy	Tillman
Davey	Hull, Tenn.	Neely	Tinkham
Denison	Husted	Nelson, Wis.	Upshaw
Dent	Hutchinson	Nicholls	Vare
Dewalt	Igoe	Nolan	Vinson
Dickinson, Mo.	Ireland	O'Connell	Voigt
Donovan	James, Mich.	Oliver	Volk
Dooling	James, Va.	Olney	Walters
Doremus	Jeffers	Padgett	Ward
Drewry	Johnson, Ky.	Palge	Watkins
Dunn	Johnson, Miss.	Pell	Whaley
Dupré	Johnson, S. Dak.	Perlman	White, Kans.
Eagle	Johnson, Wash.	Pou	Wilson, Ill.
Echols	Johnston, N. Y.	Rainey, Ala.	Wilson, Pa.
Edmonds	Kahn	Rainey, Henry T.	Wise
Elliott	Kelley, Mich.	Ramsayer	Wood, Ind.
Ellsworth	Kennedy, Iowa	Ransley	Wright
Elston	Kennedy, R. I.	Reed, W. Va.	Yates
Emerson	Kettner	Riordan	
Evans, Nev.	Kieiss	Robinson, N. C.	

The committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15872, the Diplomatic and Consular appropriation bill, finding itself without a quorum, caused the roll to be called, when 232 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. ROGERS. Mr. Chairman, in view of the ruling of the Chair, I ask unanimous consent that the words "to be appointed from the corps of student interpreters" appearing three times in lines 13 to 18 be omitted and that the language otherwise be allowed to stand.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLANTON. There was so much confusion on the floor, Mr. Chairman, that I could not hear the gentleman's request.

Mr. ROGERS. My understanding is that the Chair has sustained the point of order to the words "to be appointed from the corps of student interpreters," in lines 13 and 14, and I ask unanimous consent that the same words may be stricken out where they appear in lines 15 and 16 and lines 17 and 18, and that all three items be allowed to stand as thus modified.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLANTON. Mr. Chairman, reserving the right to object, would the gentleman be willing to place the salary of the assistant secretary in the embassy at Japan back to where it was, at \$2,000, so that it will not be raised to \$4,000, just double what it was in 1917?

Mr. ROGERS. Mr. Chairman, it is utterly impossible to get a trained, ambitious, able, competent young American citizen to go out to Japan for \$2,000 a year. You might just as well wipe them off altogether as to attempt to do that. Therefore I can not accede to the suggestion of the gentleman.

Mr. BLANTON. Mr. Chairman, I object.

Mr. ROGERS. Mr. Chairman, I offer the following amendment, to be inserted after line 12, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. ROGERS offers the following amendment: Page 3, after line 12, insert: "Chinese assistant secretary of embassy to China, \$4,000; Japanese assistant secretary of embassy to Japan, \$4,000; Turkish assistant secretary of embassy to Turkey, \$2,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that they are unauthorized by law.

Mr. ROGERS. Mr. Chairman, I understand that the latter two of the three items which I have suggested have not yet been reached, and I defer offering them until we have read that portion of the bill, but I now offer the first of the three as a substitute.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, after line 12, insert: "Chinese assistant secretary of embassy to China, \$4,000."

Mr. BLANTON. Is the gentleman going to send up a blanket amendment and read part of it at one stage of the game and part at another?

The CHAIRMAN. As the Chair understood the situation, the gentleman from Massachusetts withdrew the amendment which he first offered and offers this as a substitute.

Mr. BLANTON. I make the point of order against the amendment that there is no such position as Chinese assistant secretary of embassy to China authorized by law.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. BLANTON. And I challenge the gentleman to show authority in law for any such position.

Mr. ROGERS. As far as the verbiage is concerned, the amendment should read "legation" instead of "embassy," but the committee has given general consent for the changing of those items wherever necessary. As far as the general authority goes, which I assume is what the gentleman from Texas has in mind, it arises, as I conceive it, under the general provision of the law dating from 1855, and many times since repeated, authorizing the sending out of secretaries. Whether our official is called a secretary or an assistant secretary, it seems to me, is not very material under the law.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BEGG. Does not the gentleman think it would probably cause dissatisfaction to pay an assistant secretary to a legation the same salary that is paid to an assistant secretary to an embassy, one to China and the other to Japan?

Mr. ROGERS. I think not. A man who is out there as a regular secretary in the Consular Service or in the Diplomatic Service receives a salary based on his grade of service rather than upon the kind of place to which he is attached.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

Japanese assistant secretary of embassy to Japan, to be appointed from the corps of student interpreters, \$4,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that the matter is legislation unauthorized by law on an appropriation bill.

The CHAIRMAN. The point of order is sustained.

Mr. ROGERS. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 3, after line 14, insert "Japanese assistant secretary of embassy to Japan, \$4,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that the Congress has never passed any law authorizing such a position.

The CHAIRMAN. The point of order is overruled.

Mr. BLANTON. Mr. Chairman, I ask recognition on the amendment, opposing it.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, in the preceding paragraph this appropriation committee for the salaries of secretaries in all the Diplomatic Service has increased the statutory amount which is allowed by law, which the Congress has heretofore provided, from \$186,000 to \$354,000. For the Japanese assistant secretary of embassy to Japan they have increased it from \$3,600 to \$5,500, and for the Turkish assistant secretary of legation to Turkey they have increased it from \$3,000 to \$3,600.

For the Chinese assistant secretary of the embassy to China, to be appointed from the corps of student interpreters, they have increased his salary from \$2,000 to \$4,000, just double. For the Japanese assistant secretary of the embassy to Japan, they have increased it from \$2,000 to \$4,000, and these increases are all the way through the bill. I want to call the attention of my good Republican friends who have charge of the legislation at this time, and of the country, to the fact that last year when this bill was before the House the distinguished gentleman from North Carolina [Mr. KITCHIN], who was on the floor looking after the interests of the people of this country, read into the record the reasons of the Department of State for asking for increases for all of these salaries. The only reason on God's earth that the department gave was that these secretaries in the foreign courts and foreign capitals, where kings preside, in order to attend social functions there, in order to be prepared to go out in society, they had to have more money, and you are keeping this whole army of secretaries and assistant secretaries over in the courts of kings with salaries increased, when you have got several hundred thousand people in the United States without jobs hunting for positions to get bread and meat to keep their wives and little children from starving to death. You are thus carrying on high society. You are doing just what you did here a couple of weeks ago after all these tremendous piles of lumber were brought up here, without any authorization of law, and piled in front of the Capitol—you appropriated \$50,000 and fixed to appropriate \$60,000 more for policing, and \$37,000 more to bring the cadets here, and another \$100,000 more for incidentals, then after that bills that would come on Congress to have a great rich and fashionable society here for an inauguration at the behest of the Washington hotels, which were charging \$250 for five days' reservation, until your President called you down and said you had to stop. [Applause.] Until he got you up here and spanked every one of you and told you you had no right to thus spend the people's money in any such way. Now, you have got to spend the money of the people for moving all this lumber down here from in front of the Capitol. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Turkish assistant secretary of legation to Turkey, to be appointed from the corps of student interpreters, \$2,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill and unauthorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, after the amendment just adopted insert "Turkish assistant secretary of embassy to Turkey, \$2,000."

Mr. BLANTON. I make the point of order, Mr. Chairman, that the item is unauthorized by law.

The CHAIRMAN. The Chair does not think it is subject to the point of order.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay the salaries of ambassadors, ministers, consuls, vice consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes, \$65,000, or so much thereof as may be necessary.

Mr. WALSH. Mr. Chairman, I offer an amendment to strike out, page 3, line 23, the words "officers of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. WALSH offers the following amendment: Page 3, line 23, after the word "other," strike out the words "officers of the United States."

Mr. WALSH. Mr. Chairman, during the past two days the course of legislation has been accompanied by a somewhat unusual spectacle. One of the officers of the United States, from whom heretofore we had not been led to expect any unusual activities on the part of the consideration of appropriation bills, has burst forth across the horizon like a new constellation. There has been—

Mr. MCCLINTIC. Mr. Chairman, I make a point of order that the gentleman is not speaking to the amendment.

Mr. WALSH. The words I seek to strike out are "officers of the United States," Mr. Chairman.



The CHAIRMAN. The Chair can not at this time interpret what the gentleman is going to say.

Mr. McCLINTIC. Mr. Chairman, I raise the point of order that there is no quorum present. I have the right to raise that at any time.

Mr. WALSH. I have not yielded to the gentleman from Oklahoma, Mr. Chairman.

The CHAIRMAN. The Chair presumes according to precedent the point of order can be raised at any time that no quorum is present.

Mr. WALSH. I will be glad to have 100 gentlemen here to listen to what I have to say.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight Members are present.

Mr. WALSH. Mr. Chairman, there are rumors which have the foundation of statements in the public press that there is some internal dissension upon the minority side which prompts the sudden activity of our heretofore good-natured and genial friend from Oklahoma into such strenuousness that he desires to announce to the country at large that he is willing to block the wheels of legislation because, perhaps, some of his colleagues have not followed the course which he had reason to believe had previously been indicated.

He attempted this morning to read a lecture to the distinguished statesman from Texas, and was prevented by a point of order having been made. I am sure it will be of interest to the people of the great State of Oklahoma to know that one of their delegation in the lower House of Congress has suddenly risen to that eminence where he knows he can prolong necessary legislation and can count less than 100 Members upon the floor. But I doubt if the gentleman will succeed in getting what he believes to be his just dues from the minority side by such tactics as that, if there be, as is rumored throughout the cloakrooms and in the columns of the daily press, a lack of justice done to him. Because we know that the gentleman from Texas [Mr. GARNER], whom he sought to admonish this morning, is very seldom caught napping, either in the deliberations of the House or in directing the affairs of his own party, which now happens to be in the minority. And I regret that our heretofore genial friend has sought to follow this course and to block important legislation in the closing hours of this Congress, and has permitted to let what appears, from the accounts that are printed in the daily press, to be purely a personal matter, to so guide and formulate his actions here upon the floor that men in charge of great measures, and the party upon whom has fallen the responsibility of providing the funds for carrying on the several executive departments of this Government, should be impeded and interfered with in carrying on the work here upon the floor. I know that the gentleman from Oklahoma [Mr. McCLINTIC] feels that he is really within his rights in demanding that there be at all times a quorum present. Fortunately there is usually a quorum present, but I have been led to expect that possibly this sudden burst of activity on the gentleman's part was inspired by a desire to indicate to his constituents in that great State that he was acting along constructive lines, and that he was not seeking to qualify as an expert in thrusting the monkey wrench into the machinery.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCLINTIC and Mr. KNUTSON rose.

The CHAIRMAN. The gentleman from Oklahoma [Mr. McCLINTIC] is recognized.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the House, I have enjoyed the lecture delivered by the handsome gentleman from Massachusetts [Mr. WALSH], and I can say to you that if he has any serious objection because I have made the point of no quorum, he ought to resign his seat and go back home and let some one come from his district who is willing to sit here and help carry on the business affairs of this Nation.

On yesterday when I raised the point of no quorum there were only 4 on one side and less than 12 on the other. I had the right to demand that there be a quorum here in order to take care of the business affairs of this country and to properly look after the legislation that was being considered at the time. I have not made any statement here which would substantiate the truth of the remarks made by the gentleman from Massachusetts. I have not impeded the progress of any bill in any way, except what I had a right to do according to the rules and regulations that govern this body. It is true that I have objected to the extension of extemporaneous remarks in the Record, and if the gentleman from Massachusetts will refer to yesterday's Record he will have brought home to him some of the evils that are connected with that practice, because he will

see there an extension of remarks that covers over 90 pages, costing the people of this Nation many, many thousands of dollars.

He belongs to the party that is in control of the affairs of this Nation; he belongs to the party that has gone out and promised economy, and yet when a Member of Congress stands up in his right and tries to put into effect a program of economy, he stands up here and points the finger of scorn and criticism at him and tries to leave the impression that he is not performing his duty in the proper manner.

I can take the criticism that has been leveled against me by the handsome gentleman from Massachusetts in the proper spirit. It does not make me sore in any way. I have my rights here. I intend to exercise them, and as long as there is no quorum present to carry on the affairs of this House, then I will continue to make the point of order if the occasion demands it. If there are any who object, the people back home ought to know it, so that they can send some one here who is willing to occupy a seat and assist in carrying on the business of the House.

Mr. MONDELL. Will the gentleman yield?

Mr. McCLINTIC. Not now.

Mr. MONDELL. When did the gentleman find out that—

Mr. McCLINTIC. I will not yield.

It is true, Mr. Chairman, that I did intend to put a statement in the Record this morning, but that statement was not what the gentleman from Massachusetts said it was. It was simply my opinion relative to the emergency tariff bill, which was passed by this body some time ago.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Interpret to legation and consulate general to Persia, \$2,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the salary that it is a statutory salary and that it has been raised by the committee just double to that authorized by law.

The CHAIRMAN. What has the gentleman from Massachusetts to say?

Mr. ROGERS. Is that the salary in line 12?

Mr. BLANTON. Lines 11 and 12.

Mr. ROGERS. I confess if the gentleman has discovered a statute authority for this item at all he has the advantage of the gentleman in charge. [Laughter.]

Mr. BLANTON. I am glad to get that admission. There is no law for it, but the Committee on Appropriations in past years, up until the war was in progress at least, allowed this position only \$1,000.

Mr. ROGERS. Mr. Chairman, if the gentleman will permit, I may say that ever since I have been on the committee, for eight years past, the salary has been \$2,000.

Mr. BLANTON. How about 1917?

Mr. ROGERS. It was \$2,000 then.

Mr. BLANTON. I have the act here, which shows it was \$1,000. If the gentleman will look at the act of 1917 he will see that only \$1,000 was appropriated for this salary. That is, the act for the fiscal year ending June 30, 1917.

Mr. ROGERS. The gentleman is correct and my previous statement was incorrect. But, of course, that has no bearing on this question.

Mr. BLANTON. I make the point of order against the whole paragraph that it is not authorized by law, under the admission of the gentleman from Massachusetts.

Mr. ROGERS. I ask unanimous consent, Mr. Chairman, to make a general statement for two minutes.

The CHAIRMAN. The gentleman from Massachusetts has the right to make a statement, because the Chair recognized him to argue his point of order.

Mr. ROGERS. Mr. Chairman, I stated in my remarks yesterday during the general discussion of the bill that I had no desire to cover up points of order or to seek to "put anything over" the House or the committee.

There are in this bill, beginning on line 10 of page 4 and running down to line 19 of page 6, perhaps 12 different items which relate to the interpreter service at the oriental embassies, legations, and missions of the United States. Those items, in my judgment, are all essential to the proper conduct of the business of the United States in the four or five countries affected. I think we might just as well withdraw if we can not employ competent interpreters in China, Japan, Turkey, Siam, and Persia. We simply could not function in any of those countries without interpreters. For many years, on that theory, precisely these identical items have been carried in the Diplomatic and Consular acts year by year. The gentleman

from Texas [Mr. BLANTON] caught a small change, dating back to 1917, which I had forgotten, but in general the statement I make is true. There is only one considerable exception. On page 5, where there is a provision for student interpreters in Turkey, we have cut down to 4 in this bill the 10 student interpreters who have been carried for years in prior appropriation acts.

Mr. BLANTON. Will the distinguished gentleman yield?

Mr. ROGERS. Certainly.

Mr. BLANTON. The gentleman had notice, and his committee had for at least a year, because all of these items were cut out on points of order which I made last year. Does not the gentleman think it is time for the legislative committee to begin to function and to bring in bills providing legislation for it?

Mr. ROGERS. That may be so, but the fact is that we have not authority of law. I rose at this point to tell the gentleman from Texas, and any other gentleman who may be disposed to follow him, that every one of these items, from page 4, line 10, to page 6, line 18, is subject to a point of order if the gentleman cares to make the points of order as the items are reached. But I say again that, in my judgment, it would absolutely cripple and even wreck the work of the United States in China and Japan and in the other countries of the Orient, where, if we are going to be adequately represented in the realms of politics and in the marts of trade, we must have an adequate and efficient foreign office to look out for the welfare of the United States. If the gentleman eliminates these interpreters, he brings to a standstill the possibility of our functioning in those countries.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LANKFORD (at the request of Mr. LARSEN), for to-day and to-morrow, on account of sickness in his family;

To Mr. RODENBERG (at the request of Mr. KNUTSON), for three days, on account of death in the family;

To Mr. CROWTHER, for four days, on account of important business; and

To Mr. OLNEY, for one week, on account of illness.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4184. An act for the relief of C. V. Hinkle;

H. R. 974. An act for the relief of W. T. Dingler;

H. R. 11769. An act to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; and

H. J. Res. 440. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein.

#### ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12502. An act providing for a report on the cost of improving and maintaining the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park.

#### LEAVE TO EXTEND REMARKS.

By unanimous consent, Mr. McARTHUR was given leave to extend remarks in the RECORD on the bill reported from the Committee on Roads.

#### ORDER OF BUSINESS ON MONDAY NEXT.

Mr. MONDELL. Mr. Speaker, I desire to renew the request for unanimous consent that I made this morning, that the business which would be in order a week from Monday may be made in order on Monday next. The gentleman from Texas [Mr. BLANTON] has, I think, consented to withdraw his objection.

The SPEAKER. The gentleman asks unanimous consent that the business in order one week from Monday next be made in order on Monday next. Is there objection?

Mr. BLANTON. Reserving the right to object, I objected this morning, but I have been assured that the hospital bill will be called up and given consideration on Monday, and therefore I withdraw the objection.

The SPEAKER. Assured by whom? Not by the Chair.

Mr. BLANTON. Assured by the Members of the House.

The SPEAKER. The Chair wishes it understood that the Chair is free.

Mr. BLANTON. Then I object, Mr. Speaker.

#### MINORITY VIEWS ON RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. I ask leave to file minority views on the river and harbor bill, to be printed.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to file the views of the minority on the river and harbor bill. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. ROGERS. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House adjourned until Saturday, January 29, 1921, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COOPER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3259) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States, reported the same with amendments, accompanied by a report (No. 1255), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY, from the Committee on Appropriations, to which was referred the bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported the same without amendment, accompanied by a report (No. 1256), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13847) to provide for the closing of Cedar Road between Quincy Street and Shepherd Street NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1257), which said bill and report were referred to the House Calendar.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 445) authorizing the Public Buildings Commission created by the act of Congress approved March 1, 1919, to inquire into the feasibility of providing a site and erecting thereon a suitable official apartment house and hotel for the accommodation of the Vice President and Members of the Senate and House of Representatives and their immediate families, and to submit a report thereon to Congress with recommendations at the earliest practicable date, reported the same without amendment, accompanied by a report (No. 1258), which said bill and report were referred to the House Calendar.

Mr. SUMMERS of Washington, from the Committee on the Public Lands, to which was referred the bill (H. R. 15372) authorizing the lease of lands containing deposits of minerals, oil, oil shale, or gas by the State of Washington for longer periods than five years, reported the same with amendment, accompanied by a report (No. 1259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT, from the Committee on Election of President, Vice President, and Representatives in Congress, to which was referred the joint resolution (S. J. Res. 248) relieving and discharging from the fine imposed by law and authorizing the payment of messengers appointed by the electors of certain States to deliver the electoral vote of such States for President and Vice President, reported the same without amendment, accompanied by a report (No. 1260), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15914) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900, reported the same with an amendment,



accompanied by a report (No. 1261), which said bill and report were referred to the House Calendar.

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 15482) to amend section 5 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported the same without amendment, accompanied by a report (No. 1262), which said bill and report were referred to the House Calendar.

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (H. R. 14851) for the relief of occupants of lands included in the Bellevue grant, in St. Landry Parish, La., reported the same with amendments, accompanied by a report (No. 1263), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XXII,

Mr. TILMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 15824) to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex., reported the same with an amendment, accompanied by a report (No. 1254), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORES of Indiana: A bill (H. R. 15934) to provide for the relief of certain employees of the Government who have become eligible for retirement under the provisions of the retirement act of May 22, 1920, and have thereafter been continued in the service or reemployed therein; to the Committee on Reform in the Civil Service.

By Mr. DEMPSEY: A bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. MAYS: A bill (H. R. 15936) to provide for the disposition of gilsonite deposits; to the Committee on the Public Lands.

Also, a bill (H. R. 15937) to authorize the President of the United States to locate, construct, and operate a railroad from the Kaibab National Forest, Ariz., to the nearest practicable railway connecting point to the north thereof; to the Committee on Railways and Canals.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, in connection with the lowering of water in Lake Andes, in that State; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Legislature of the State of New York, favoring the enactment of the Wadsworth resolution to restrain the Federal authorities from the use of the boats, barges, and equipment on the Erie Canal system; to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 15938) granting a pension to Ella McKenzie; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 15939) granting a pension to Ellen E. Rose; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15940) granting a pension to Jane Hughes; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15941) for the relief of Joseph E. Lindsey; to the Committee on War Claims.

By Mr. WHITE of Kansas: A bill (H. R. 15942) granting a pension to Orel J. Lovewell; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5329. By the SPEAKER (by request): Petition of the Woman's Roosevelt Memorial Association of New York City, favoring the coinage of a 2-cent piece bearing the head of Theodore Roosevelt; to the Committee on Coinage, Weights, and Measures.

5330. Also, petition of Henry P. Shupe Post No. 22, of the American Legion, indorsing the Rogers bill and the Capper bill; to the Committee on Interstate and Foreign Commerce.

5331. By Mr. CANNON: Petition of sundry citizens of Kankakee County, Ill., asking for the immediate recognition of the Irish republic by the Government of the United States; to the Committee on Foreign Affairs.

5332. By Mr. CROWTHER: Petition of the Central Labor Union of Amsterdam, N. Y., favoring enactment of a daylight-saving law; to the Committee on Interstate and Foreign Commerce.

5333. Also, petition of Montgomery County Pomona Grange, opposing daylight-saving legislation; to the Committee on Interstate and Foreign Commerce.

5334. Also, petition of the legislation board of the Brotherhood of Locomotive Engineers, urging enactment of the so-called Gronna bill; to the Committee on Interstate and Foreign Commerce.

5335. Also, petition of sundry citizens of Schenectady, N. Y., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

5336. By Mr. HERNANDEZ: Petition of the Chamber of Commerce of Roswell, N. Mex., favoring the Rogers-Capper bill; to the Committee on Interstate and Foreign Commerce.

5337. By Mr. HERSHEY: Petition of Aroostook and Penobscot Union, Pomona Grange, protesting against daylight-saving legislation; to the Committee on Interstate and Foreign Commerce.

5338. By Mr. JOHNSTON of New York: Petition of the Merchants' Association of the City of New York urging the passage of House bill 15662; to the Committee on Patents.

5339. By Mr. KETTNER: Petition of the Contemporary Club, of Redlands, Calif., on behalf of the preservation of our national parks; to the Committee on Water Power.

5340. By Mr. O'CONNELL: Petition of the American Forestry Association, Washington, D. C., urging the passage of Senate bill 3822 and House bill 12188; to the Committee on Agriculture.

5341. Also, petition of the Katonah Board of Trade, Katonah, N. Y., favoring 1 cent drop-letter postage; to the Committee on the Post Office and Post Roads.

5342. Also, petition of V. Henning & Sons, of Brooklyn, N. Y., favoring the daylight saving law; to the Committee on Interstate and Foreign Commerce.

5343. Also, petition of the Commercial Checkers' Union, No. 874, I. L. A., favoring Senate bill 4606, providing compensation for longshoremen; to the Committee on the Merchant Marine and Fisheries.

5344. By Mr. MORIN: Petition of 50 citizens of Pittsburgh, Pa., urging an amendment to the Volstead Act, permitting the manufacture and sale of beer and light wines under reasonable restrictions; to the Committee on the Judiciary.

5345. Also, petition of sundry citizens of the District of Columbia, in favor of light wines and beer; to the Committee on the Judiciary.

5346. By Mr. WATSON: Petition of the Makefield monthly meeting of the Religious Society of Friends, protesting against the expenditures of funds for war activities, etc.; to the Committee on Appropriations.

5347. By Mr. ZIHLMAN: Petition of the American Friends Service Committee, favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.